



RESEARCH REPORT

FLY ASH MANAGEMENT IN INDIA: A Critique of existing and proposed frameworks



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LIST OF ABBREVIATIONS:

ACB: Aryan Coal Benefication

BALCO: Bharat Aluminium Company Limited

CEA: Central Electricity Authority

CECB: Chhattisgarh Environment Conservation Board

CSE: Centre for Science and Environment

DB: Dainik Bhaskar

GPCB: Gujarat Pollution Control Board

KJS: Kamaljeet Singh Ahluwalia

Km: Kilometer

Ltd: Limited

MoEFCC: Ministry of Environment, Forests and Climate Change

NTPC: National Thermal Power Corporation

OSPCB: Odisha State Pollution Control Board

Pvt: Private

TPP: Thermal Power Plant

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FLY ASH MANAGEMENT IN INDIA:

A Critique of existing and proposed frameworks

BACKGROUND

On 22nd April 2021, the Ministry of Environment, Forests and Climate Change (MoEFCC) published a Draft Fly Ash (Utilisation) Notification, which was open for public comments for 60 days and sought to replace the earlier notifications with respect to fly ash management since 1999. While the draft notification introduces a new system of penalties and acknowledges the problem of legacy fly ash bringing it under its purview, it still fails to address some of the inherent problems which exist with the earlier notifications.

As a response to this draft, we made a [submission](#) to the Ministry, emphasizing on the need to reassess the approach, design and content of the fly ash related regulations. This submission highlighted five main issues invariably leading to enforcement challenges in regulating fly ash.

This report illustrates the five issues highlighted in the submission in greater detail and with supporting evidence using primary and secondary data from a decade-long field research project carried out on understanding regulatory gaps leading to fly ash mismanagement on the ground.

Introduction

In September 1999, the MoEFCC issued a notification as per which the utilisation of fly ash became a mandatory requirement. Since then the notification has been amended in 2003, 2009 and 2016 to incorporate more ways to ensure an increase in the utilisation of fly ash, with an aim to achieve 100% utilisation.¹ Despite that, according to the Central Electricity Authority (CEA) as of November 2020, 90 Thermal Power Plants (TPPs) have not managed to reach the 100% utilisation target, thereby showcasing a flawed regulatory regime.

As a result of this regulatory failure in managing fly ash, there has been loss of life, contamination of air, water and land, damage to property, loss of livelihoods and several other disastrous impacts. Over the last few years, the Environmental Justice Program at Centre for Policy Research has been studying the issue of fly ash mismanagement and its failures in Chhattisgarh, Gujarat and Odisha, to understand its social and ecological impacts and examine the regulatory gaps leading to it.²

Based on this research, this report analyses the overall regulatory framework for the management of fly ash

in India with a special focus on the recent Draft Fly Ash (Utilisation) Notification of 2021 which was published on 22rd April 2021 for public comments.

THIS REPORT:

- a. Discusses the lacunae in the implementation of the existing fly ash management regulations using primary and secondary data.
- b. And compares the proposed draft against the backdrop of current status of fly ash management efforts.

The report covers 5 major aspects of the existing/ proposed regulatory framework to manage fly ash. Each of these issues arise in different stages of the fly ash management process and include the understanding of the problem as a technical issue that is amenable to management and regulation through government monitoring procedures.

We also refer to the existing body of work on these issues developed by various research and civil society groups. Their reports have also informed our analysis.

1. The Fly Ash (Utilisation) Notification, 1999 and its subsequent amendments are attached as Annexure I.

2. Menon, M., Gupta, D. and Kohli, K., 2020. *The criminality of fly ash management - Gaonconnection | Your Connection with Rural India*. [online] Gaonconnection | Your Connection with Rural India. Available at: <<https://en.gaonconnection.com/the-criminality-of-fly-ash-management/#:~:text=The%20NGT%20charged%20power%20producers,ash%20utilisation%20compliance%20by%20TPPs>> [Accessed 4 August 2021].

A Critique of the Existing and Proposed Frameworks

I. The draft notification fails to establish a link between utilisation and generation data, which is critical to set up appropriate fly ash management measures:

The whole process of managing fly ash heavily relies on the data on fly ash generation disclosed by the power producers at the time of clearance or consent procedures. This information is at best an estimation and unfortunately, this forms the baseline for designing all sorts of fly ash management infrastructure e.g. ash dykes or disposal sites or fly ash utilisation methods at a unit level. However, the current legal framework around fly ash management does not have any inbuilt mechanisms to verify these estimated figures by conducting an audit or an inspection on ground on a periodical basis. Without ensuring that the estimated figures provided by power producers during clearance processes remain valid through its operative years, the mitigation

measures will inevitably fall short of addressing the quantum of fly ash generated at the unit level, leaving excess and unaccounted fly ash outside its ambit. Additionally, there could be a variety of factors that could lead to changes in the original estimate of fly ash generation at the unit level through its operative years, such as a change in the coal linkage or outdated protective equipment.

Hence there is a need to upstream the fly ash utilisation regulation by introducing measures such as open environmental audits or review of disclosures by power producers in order to build and develop more adequate, tenable and meaningful measures to address the problem of fly ash under/misutilisation effectively.

CHANGE IN THE LEGAL REQUIREMENT TO USE COAL WITH A CERTAIN ASH CONTENT

In 2014, the MoEFCC came out with a notification whereby they mandated the use of coal with ash content less than 34% for certain categories of TPPs. However, the same has been undone in May 2020 wherein the mandatory requirement to use coal with ash content of less than 34% has been removed. This essentially meant that all the power producers now will invariably produce more fly ash than what they recorded earlier as the regulatory requirement to use coal with low ash content has now been removed.

II. The draft notification fails to recognise fly ash management as a public health issue:

Fly ash is generated due to the process of coal combustion in TPPs. It poses serious health risks because of the presence of highly toxic and carcinogenic heavy metals.³ Even RK Verma, the ex-chairperson of Central Electricity Authority stated in the CEA's 2017 report that fly ash was once considered to be a "hazardous industrial waste".⁴ In OA No 117 of 2014, the bench headed by the NGT chairman observed "*Non-utilisation and improper disposal of fly ash leads to increase in air pollution and causes severe health problems. It also affects horticulture and agricultural crops...apart from air pollution, there is pollution of surface water and groundwater. Major pollutants in fly ash are arsenic and mercury. Both the said pollutants are injurious for land and waterbodies*". The devastating impact of fly ash which causes severe contamination of land, water and air is a matter of grave concern as it poses several health threats for the communities living around the TPP's, especially ash dumping and other disposal sites.

Korba in Chhattisgarh, which is known as the power hub of India, has more than ten TPP's which generate 1,00,000 metric tonnes of fly ash annually. As per a recent study by State Health Resource Centre, Chhattisgarh on health impacts assessment on communities residing near the TPP's in Korba, results of air, water and soil sampling indicate alarming

levels of heavy metals found in most of the sampling areas.⁵ Groundwater contamination due to fly ash is a serious problem which has been ignored. The levels of various heavy metals are found to be exceeding the permissible limits in groundwater due to fly ash in Janjgir-Champa, another district in Chhattisgarh housing multiple power producers.⁶

There are many studies which have written about the major and chronic health issues associated with fly ash pollution including respiratory diseases such as asthma, pneumonia and skin diseases.⁷ A recent report by the Health Energy Initiative India documents close to 76 incidents which have occurred due to ash pond breaches across the country between 2010 and 2020.⁸ The report also identifies the various health impacts which are associated with the toxic elements found in fly ash which could impact the entire body. Despite there being studies and repeated incidents, which show that fly ash does pose a significant threat to public health and life, there is nothing in the draft fly ash notification which would indicate an urgency to deal with the same. The public health risks associated with fly ash need proper recognition, attention and stringent mechanisms to be able to mitigate not only fly ash generation, storage and disposal but also to tackle the health impacts of fly ash in the environment.

3. Shsrc.org. 2020. [online] Available at: <<https://shsrc.org/wp-content/uploads/2020/04/Korba-Study-SHRC-2020.pdf>> [Accessed 5 August 2021].
4. Ghosh, M., Tiwari, H. 2021: Heavy Metal Concentration in underground water due to Fly Ash at Janjgir Champa region in Chhattisgarh. Research Journal of Science and Technology.; 13(2):79-4. doi: 10.52711/2349-2988.2021.00012. Available at: < <https://rjstonline.com/HTMLPaper.aspx?Journal=Research%20Journal%20of%20Science%20and%20Technology;PID=2021-13-2-3> [Accessed 5 August 2021]
5. Shrivastava, S., Sahu, P., Singh, A. and Shrivastava, L., 2015: Fly ash disposal and diseases in nearby villages (A Survey), International Journal of Current Microbiology and Applied Sciences ISSN: 2319-7706 Volume 4 Number 2 (2015) pp. 939-946, Available at: <<https://www.ijcmas.com/vol-4-2/Shikha%20Shrivastava,%20et%20al.pdf>>; [Accessed 5 August 2021]
6. Carboncopy.info. 2021. [online] Available at: <https://carboncopy.info/wp-content/uploads/FLY-ASH-REPORT-FINAL_JULY-23.pdf> [Accessed 5 August 2021].

III. The draft notification fails to address the shortfalls of the existing regulatory framework for fly ash utilisation:

a. Continues to use existing mechanisms which have been ineffective in dealing with fly ash:

Since 1999, the various fly ash notifications have provided mechanisms to allow for the better utilisation of fly ash. Some of these mechanisms have been ineffective in the management of fly ash. The draft continues to propose the same ineffective mechanisms without addressing the existing gaps in these measures.

- » One such mechanism is the concept of having a radius surrounding the TPPs within which the fly ash is required to be utilised. It has been in place since 1999 and the same has been increased from 50km to 100km in 2009 and to 300km in 2016. The current draft retains the radius to 300kms from the TPPs, however this creates problems in places where there are multiple TPPs

in a particular area, the 300 km radius would be common for these TPPs. Korba for example has close to 15 TPPs operating in a 15 km radius. While the amount of ash which will be generated will be manifold, the avenues of utilisation will remain limited. Secondly, in many cases, the TPP is located in one state and the avenue of utilisation is located in another. Although the draft notification fixes no limitations on inter-state movement, it fails to propose any mechanism to fix liability or accountability or grievance redressal mechanisms for such peculiar situations. If the transportation includes inter-state movement, the coordination gets further complicated between inter-state agencies, in the absence of clear guidelines.

- » The other mechanism from the previous drafts, which has been ineffective is the filling up of low



Cattle stuck in indiscriminately dumped fly ash in Janjgir Champa. Credits: Rupan Dhirle

In Janjgir Champa, Chhattisgarh, communities living in and around the DB Power Pvt Ltd's TPP have time and again approached Chhattisgarh Environment Conservation Board (CECB) about the common practice of dumping fly ash into private agricultural fields (Annexure II: Notice issued by the CECB to DB Power Pvt Ltd) under the pretext of filling low lying areas. However this practice is often justified by the CECB as a measure under the fly ash management regulation and thereby permitted (Annexure III: Site Inspection Report of the CECB). However, on ground this practice leads to unsecured dumps of fly ash continually contaminating the air and nearby land and water resources.

lying areas as one of the avenues of utilisation. The vague nature of this mechanism of utilisation has been very problematic whenever the power producers resort to it. Numerous litigation and public complaints show how the filling up of low lying areas merely replicates a fly ash dump. Such dumping restricts the existing usage of low lying areas and leads to contamination of these areas and nearby natural resources.

These are just two examples to illustrate how the inherent gaps from the previous notification remain unaddressed in the proposed draft notification. Without revisiting these existing issues with the regulation, there cannot be any improvement in either 100% utilisation of fly ash or in the sustainability of the fly ash management system, both of which are objectives the draft notification sets out to achieve.

b. Does not offer a comprehensive and robust mechanism to address legacy fly ash:

The draft notification identifies the problem of legacy ash which is important. However, the problem of legacy fly ash needs immediate attention because of the risks and impacts these large amounts of unutilised fly ash poses, especially across the states where there is a higher concentration of TPPs. In a recent report by Delhi-based non-profit Centre for Science and Environment (CSE) the legacy ash from the coal sector was estimated to be as high as 1,647 million tonnes as of March 2019.⁹ Legacy fly ash, as understood in the draft notification is unused fly ash stored in ash ponds. Unfortunately, the problem of legacy fly ash is only conceived as a problem of un-utilisation. However, it is important to understand that unutilised dumps of fly ash continuously exposes the ecology and communities in the vicinity to its toxicity and poses constant risk of fly ash breaches/accidents.



Contaminated agricultural lands in Rogbahari village, Korba.
Credits: Bipasha Paul

The continuous seepage from ash ponds of Bharat Aluminium Company Limited (BALCO) have contaminated many acres of fertile agricultural land in Rogbahari village in Korba, Chhattisgarh. (Photograph).

⁹ Cseindia.org. 2020. *An Ashen Legacy*. [online] Available at: <<https://www.cseindia.org/an-ashen-legacy-10422>> [Accessed 5 August 2021].



Fly Ash contamination
in Saliha Nalla.
Credits: Prakash Korram

Korba also has a vast area of land allotted for the construction of fly ash ponds and several of these ash ponds are in close proximity to certain stretches of the Hasdeo river, Ahiran river and the tributaries to these rivers such as Dhengur nala, Belgiri nala, Saliha nala and Kollar nala (Annexure IV: Map of Korba). This has been a serious cause of river pollution specifically during the monsoon. For instance Saliha nala which is a tributary to Hasdeo river, was flooded with fly ash which has been stored on the premises of ACB (India) Limited's TPP located in Chakaburra (capacity 270 MW) in 2019. This caused grave difficulties to the residents of Kasaipalli village since they are dependent on the water for a variety of purposes. This led to a series of complaints being filed with the CECB as well. (Annexure V: Complaint Letters and Site Inspection Reports)

The above examples show the extent of damage that storing of fly ash can lead to. The draft notification however misses this point of immediate action required to deal with large amounts of unused fly ash in view of the history of devastating impacts which still continues through contamination of water bodies, agriculture land and air as discussed above. It proposes a ten-year time frame (starting mid 2022 at the latest), easing the burden of compliance on the violators. What is required to ensure utilisation and proper disposal of such a huge amount of fly ash backlog is a much more clear, stringent and time bound action plan, however the draft notification allows the problem to continue for another ten years.

c. Allows for expanding the footprint of fly ash misutilisation by not addressing past non-compliances:

The draft notification is completely silent on the past non-compliances or violations leading to fly ash misutilisation in the form of indiscriminate dumping on public or private resources or contamination from unsecured fly ash dumps. Despite numerous litigations,¹⁰ and protests¹¹ by citizens on this issue, the draft notification assigns no liability on the TPPs for such misutilisation. Indiscriminate fly ash dumping is not only an environmental hazard but poses great risks to the public health and livelihoods of the communities on ground.

- 10 News, C., 2020. *Pvt power plant dumping fly ash: NGT seeks report* | Chandigarh News - Times of India. [online] The Times of India. Available at: <<https://timesofindia.indiatimes.com/city/chandigarh/pvt-power-plant-dumping-fly-ash-ngt-seeks-report/articleshow/77008785.cms>> [Accessed 5 August 2021]; Saxena, A., 2020. *NGT Directs NTPC Power Plant To Deposit 10 Crore Interim Compensation For Dumping Fly Ash In Rihand Reservoir* [Read Order]. [online] Livelaw.in. Available at: <<https://www.livelaw.in/news-updates/ngt-directs-ntpc-power-plant-to-deposit-10-crore-interim-compensation-for-dumping-fly-ash-in-rihand-reservoir-read-order-159983>> [Accessed 5 August 2021]..
- 11 Badshah, A., 2020. *Vedanta smelter plant: Affected villagers end 12-hr protest after written assurance*. [online] Downtoearth.org.in. Available at: <<https://www.downtoearth.org.in/news/mining/vedanta-smelter-plant-affected-villagers-end-12-hr-protest-after-written-assurance-73983>> [Accessed 5 August 2021].

In 2019 the Lilagarh river in Korba, Chhattisgarh became a victim of indiscriminate dumping when fly ash from nearby power plants were disposed of along its banks, and the fly ash eventually made its way into the river.



Heaps of fly ash stored on the river banks of Lilagarh river.
Credits: Bipasha Paul



Fly ash contamination in Lilagarh river.
Credits: Bipasha Paul

In Keonjhar, Odisha, KJS Ahluwalia Steel and Power plant has stored a huge heap of fly ash near Kolharodakela village without placing any protective infrastructure around it. The runoff from this fly ash dump went straight into the fields, roads and water resources especially during monsoon along with fugitive dust emissions from the dump due to its height. (Annexure VI: Inspection Report by Odisha State Pollution Control Board).



Heap of fly ash stored without any protective equipment.
Credit: Jagannath Mahanta

With the focus of this draft notification continuing to be only on utilisation like its predecessors, there is an inherent limitation to the manner in which the problem of fly ash is being approached. The draft notification needs to introduce a mechanism which

allows for checks to be placed on misutilisation, particularly in the form of indiscriminate dumping. Without it, the footprint for misutilisation will be allowed to expand even to greenfield areas.

IV. The draft notification fails to address the institutional failure to monitor and restrain legal non-compliance:

a. Ineffective enforcement by Pollution Control Boards:

As was the case in the earlier notifications, the draft notification also places the responsibility of monitoring the compliance with the Central Pollution Control Boards (CPCB) and the extensive network of State Pollution Control Boards (SPCB). Yet, the problem of fly ash utilisation persists leading to contamination of natural resources or ash dyke breaches or accidents. From our field research we have numerous examples of how the existing monitoring framework by CPCB and SPCBs have been inadequate to address the problem of fly ash under/mis-utilisation despite the system of approval/consent conditions and a mandatory protocol for disposal and management.

and Department of Heavy Industry along with the CPCB, SPCB and the District Collector (DC). The structure of these monitoring bodies or audit protocols regurgitates the same centralised model, from earlier notifications, focusing on institutions such as CPCB or other ministerial authorities.

Looking at the extent of the problem, the existing monitoring mechanism needs to be more reflexive to address the past shortfalls more robustly and rigorously. This is only possible if we decentralise the whole monitoring framework. We need a structure of monitoring which is located closer to the TPPs for real-time and regular monitoring. Such a model necessitates inclusion of local bodies and affected people as these actors, due to proximity on the ground, are more likely to do the monitoring more frequently and intimate the authorities in a timely manner to take action against non-compliance. The value of local community participation has also been reiterated in international treaties and national level planning documents.¹²

b. Re-creates a redundant centralised system of monitoring:

The draft notification has created certain monitoring bodies consisting of centralised actors such as the Ministry of Power, Ministry of Coal, Ministry of Mines, MoEFCC, Ministry Road Transportation & Highways

¹² In 1992, at the Rio Summit, Principle 10 was adopted which said that, "Environmental issues are best handled with participation of all concerned citizens, at the relevant level."

- o The Planning Commission of India in 2000, suggested that pollution control could be better administered and monitored "if local community action groups are created/sensitised to take up vigilant community action against pollution. The Commission had suggested that this could be done in such a way that the group monitors periodically the samples generated by the polluting industries and gets it tested in private labs. The Commission further stated that, "This would effectively prevent polluters-authorities nexus."
- o Article 51A(g) of the Constitution emphasizes on the role of citizens for protection and improvement of the natural environment, "It will be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures."



Lack of mandated green belt around the company premises, leading to fly ash and coal dust settling on the adjacent land

Credits: Bharat Dodiya

In Kutch, a pet coke manufacturing plant named Carbon Edge did not have any protective equipment to contain the fugitive dust emission. As a result, a nearby pond and lands adjacent to the plant were contaminated with coal dust and fly ash. The plant also used to discharge wastewater containing fly ash through the broken wall directly into the pond as well. The local communities affected by this problem approached the DC and the Regional Office of the Gujarat Pollution Control Board (GPCB) with evidence of this non-compliance (Annexure VII: Complaint letter). Only after complaints from the community did the GPCB direct the company to clean up the pond and restore it to its earlier state. Thereafter, the company repaired its boundary wall, developed a green belt around it and constructed a wind barrier; it also stopped the discharge of wastewater into the pond and started using its chimney after repairing it (Annexure VIII: Orders given by the GPCB). The layers of dust suspended in the pond and the land around it were cleaned and pond restoration was undertaken and soon during monsoon months the cattle could be seen returning to the pond to drink water.

Similar to this, there are numerous other examples of how local community participation can not only strengthen the existing monitoring mechanisms but also perhaps act as an effective deterrent leading to better compliance to rules by fly ash generators.

V. The draft notification fails to provide a comprehensive and robust mechanism of fines and penalties to act as a deterrence.

While the draft notification introduces an elaborate mechanism for imposing fines for non-compliance for the very first time, its proposed design and efficacy to act as a deterrent raises the following problems:

a. The new penalty mechanism completely ignores the past non-compliance of the TPPs and its impacts:

The proposed punitive mechanism completely ignores the past track record of the TPPs which have been consistently non-compliant since 1999. The proposed fining mechanism follows the new 3-5 years compliance cycle introduced in this notification, and any non-compliant unit is set to be penalised only in the third year of this compliance cycle. The new framework provides longer time-frames to the non-compliant TPPs before they are penalised and their violations are addressed.

b. The draft notification does not provide for any punitive measures against non-compliance or any relief to the impacted communities:

Under the draft notification, the usage of these fines is limited to “safe disposal of fly ash”, which will only partially address the issues arising out of non-compliance by TPPs. The problem of non-compliance to fly ash utilisation does not result in an accumulated residual fly ash dump sitting somewhere securely, rather this unutilised waste mostly keeps accumulating in the overflowing and weak ash ponds posing a

constant threat of sudden unanticipated accidents such fly ash pond breaches endangering the life and natural resources in its vicinity. The fly ash is also often mis-utilised through indiscriminate dumping on private or public land. This leads to a constant exposure of the fly ash to the adjoining environment and the communities. While fly ash dust settles on nearby land, houses or water bodies on the one hand, there are also instances in which it mixes with rain water and flows into agricultural land or nearby water bodies during monsoons.

Unfortunately, the proposed fining system does not take account of these large scale impacts of non-compliance to the Fly Ash (Utilisation) Notification on communities and many critical ecological habitats. It does not offer any monetary relief or any sustainable remedy for communities who suffer as a result of the non-utilisation or mis-utilisation of the fly ash by TPPs leading to public health risks, land or river contamination or loss of agriculture land due to indiscriminate fly ash dumping on private and public resources.

The draft notification also fails to provide any kind of punitive measures against accidents such as breach of fly ash pipelines/ponds. In 2020 alone we have had multiple flyash breach accidents at TPPs including North Chennai Power Station in Tamil Nadu¹³ which impacted 100 houses directly, Sasan Power Plant in Madhya Pradesh¹⁴ in which 6 people were killed and it caused severe damages to vegetation, biodiversity, fertile agricultural land and polluting the nearby rivulets like Goiwahai

13 Chaitanya, S., 2020. *Toxic fly ash slurry from busted pipeline of North Chennai thermal plant floods village*. [online] The New Indian Express. Available at: <<https://www.newindianexpress.com/cities/chennai/2020/aug/26/toxic-fly-ash-slurry-from-busted-pipeline-of-north-chennai-thermal-plant-floods-village-2188559.html>> [Accessed 5 August 2021].

14 Indiaenvironmentportal.org.in. 2020. *Report on collapse of fly ash pond constructed by Reliance M/s Sasan Ultra Thermal Power Plant in Singrauli, Madhya Pradesh*, 28/07/2020 Available at: <<http://www.indiaenvironmentportal.org.in/content/468195/report-on-collapse-of-fly-ash-pond-constructed-by-reliance-ms-sasan-ultra-thermal-power-plant-in-singrauli-madhya-pradesh-28072020/>> [Accessed 5 August 2021].

of Rihand River and National Thermal Power Corporation (NTPC)'s ash dyke breach in Talcher in Odisha¹⁵ where fly ash slurry flooded houses, roads, ponds, farmland, etc all that came its way in Jagannathpur village. In all these cases, the ash pond breach led to significant loss in terms of life and property and yet the proposed draft notification fails to include any stringent punitive measures to avert these man-made disasters.

Over the years there have been numerous instances where judicial bodies including High Courts or the National Green Tribunal (NGT) have taken cognizance of such impacts from non-compliance of fly ash utilisation notifications, and have directed the violating units to pay for environmental compensation or provide monetary relief to the affected communities.¹⁶ In the matter of *Shantanu Sharma Vs Union of India & Others*¹⁷, the NGT formulated a joint committee which recommended monetary penalties on the non-compliant TPPs to compensate for the environmental damage, loss of crop and agricultural productivity because of unscientific measures to manage fly ash. Recently, the NGT had also imposed a fine of Rs. 10 crores on NTPC's Vindhyachal Super TPP on account of their ash

dyke breaching and the fly ash flowing into the Rihand Reservoir.¹⁸ The draft notification however does not bring these pronouncements by judicial bodies within its purview.

c. The mechanisms for utilisation of the fines and its implementation as per the draft notification has shortcomings:

The proposed mechanism of enforcement of this clause leaves a lot to be desired. The fact that there are no clear guidelines of how these fines will be collected by CPCB (a central body) and the absence of grievance redressal mechanisms to handle cases where the fines are not duly paid or even after paying the fines if the TPPs continue to stay non-compliant, highlights the gaps in this proposed system. There are also no clear mechanisms for the enforcement of fines for non-compliance during interstate movement of fly ash, i.e. source in one state, utilisation or dumping in another. How the fines will be levied and by whom, are some of the basic aspects that have been completely ignored in the draft notification. Rendering the proposed fining mechanism a half-hearted attempt to resolve this complex issue of fly ash mismanagement.

15 Ommcom News. 2020. *Breach In Pipeline, Fly Ash Slurry Floods Odisha Village* | . [online] Available at: <<https://ommcomnews.com/odisha-news/breach-in-pipeline-fly-ash-slurry-floods-odisha-village>> [Accessed 5 August 2021].

16 Verma, S., 2021. *Pay Rs 85 lakh environmental damages to farmers: NGT panel to plant* | Chandigarh News - Times of India. [online] The Times of India. Available at: <http://timesofindia.indiatimes.com/articleshow/81134045.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cpps> [Accessed 5 August 2021]; Sood, A., 2021. [online] Available at: <<https://www.tribuneindia.com/news/patiala/ngt-directs-3-thermal-plants-to-pay-rs-1-5-crore-117092>> [Accessed 5 August 2021]; Reporter, S., 2020. *Determine penalty on thermal plants for not utilising fly ash causing pollution*: NGT. [online] The Hindu. Available at: <<https://www.thehindu.com/news/cities/Delhi/determine-penalty-on-thermal-plants-for-not-utilising-fly-ash-causing-pollution-ngt/article33033576.ece>> [Accessed 5 August 2021].

17 Original Application No 117 of 2014 Principal Bench of the NGT

18 ETEnergyworld.com. (2020, July 17). *NGT directs NTPC, Vindhyachal to pay Rs 10 cr fine for breach of fly ash dyke* ETEnergyWorld. [online] Available at: <<https://energy.economictimes.indiatimes.com/news/power/ngt-directs-ntpc-vindhyachal-to-pay-rs-10-cr-fine-for-breach-of-fly-ash-dyke/77010184>> [Accessed August 5 2021]

Conclusion

The above examples showcase how the issues arising from fly ash mismanagement are only symptomatic of the fundamental gaps the existing regulatory framework suffers from. Unfortunately, this new notification continues to follow in the same path and fails to recognise the scale and urgency of the problem of fly ash generation, storage, management, transportation and utilisation issues. The government's continued dependence on coal-based power has left many landscapes and communities, who were promised development benefits, facing long term and serious environmental degradation, disease, ill health and livelihood breakdown. Even today, TPPs are prioritised for speedy approvals but the management of fly ash is treated as a slow and incremental activity. There are no proportionate consequences for those who routinely violate fly ash

management measures and put entire populations in the way of disasters waiting to happen. However, the growing body of evidence on the impacts from fly ash mismanagement, including this report, clearly demonstrates the dire need to have an urgent and rigorous regulatory intervention which is commensurate with the scale of problem at hand.

Here it is important to note that when the first fly ash notification was drafted in 1999, TPPs were mostly public in nature. Since then the electricity sector has been liberalised and there has been an increased push for privatisation of energy production. With coal use and energy production increasingly becoming a private profit making endeavor, why are fly ash violations not seen as a systemic part of profit-making and treated accordingly?

¹⁹ Rao, K. A. (2020, November 05). Diving Into the Privatisation Push in India's Power Sector. Retrieved August 5, 2021, from <https://thewire.in/energy/india-power-sector-privatisation>; Stammlinger, M. *Privatisation of electricity in Delhi*, Centre for Civil Society Internship Paper, Available at: < https://ccs.in/internship_papers/2002/16.pdf > [Accessed 5 August 2021]

LIST OF ANNEXURES

Annexure I:

a. Fly Ash (Utilisation) Notification, 1999

THE GAZETTE OF INDIA EXTRAORDINARY

PART II -- Section 3 -- Sub-section (ii)

MINISTRY OF ENVIRONMENT AND FORESTS NOTIFICATION

New Delhi, the 14th September, 1999

8.0.763(E).- Whereas a draft notification containing certain directions was published, as required by subrule (3) of rule 5 of the Environment (Protection) Rules, 1986 under the notification of the Government of India in the Ministry of Environment and Forests number S.O. 453(E) dated 22nd May, 1998 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which the copies of the Gazette of India containing the said notification are made available to the public;

And, whereas, copies of the said Gazette were made available to the public on the same date;

And, whereas, the objections and suggestions received from the public in respect of the said draft notification have been duly considered by the Central Government;

Where as it is necessary to protect the environment, conserve top soil and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land;

And, whereas, there is a need for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of fifty kilometers from coal or lignite based thermal power plants;

And, Whereas, the Hon'ble High Court of Judicature, Delhi vide its order dated 25th August, 1999 in CWP No. 2145/99 Centre for Public Interest Litigation, Delhi v/s Union of India directed that the Central Government to publish the final notification in respect of fly ash on or before 26th October, 1999;

Now, therefore, in exercise of the powers conferred by sub-section (1), read with clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986); and in pursuance of the orders of the Hon'ble High Court, Delhi stated above, the Central Government hereby issues the following directions which shall come into force on the date of the publication of this notification, namely:-

1. Use of fly ash, bottom ash or pond ash in the manufacture of bricks and other construction activities.

- (1) No person shall within a radius of fifty kilometers from coal or lignite based thermal power plants, manufacture clay bricks or tiles or blocks for use in construction activities without mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis. '
- (2) The authority for ensuring the use of specified quantity of ash as per para (1) above shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee as the case may be. In case of non-compliance, the said authority, in addition to cancellation of consent order issued to establish the brick kiln, shall move the district administration for cancellation of mining lease. The cancellation of mining lease shall be decided after due hearing. To enable the said authority to verify the actual use of ash, the thermal power plant shall maintain month-wise records of ash made available to each brick kiln.
- (3) In case of non-availability of ash from thermal power plant in sufficient quantities as certified by the said power plant, the stipulation under para (1) shall be suitably modified (waived/ relaxed) by the concerned State/Union Territory Government.
- (4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and a representative of All

India Brick and Tile Manufacture's Federation (AIBTMF). Such a committee shall ensure unhindered loading and transport of ash without any undue loss of time. Any unresolved dispute shall be dealt with by a State/Union Territory level committee to be set up by State/Union Territory Government comprising Member Secretary of the State Pollution Control Board/Pollution Control Committee, representatives of Ministry of Power in the State/Union Territory Government and a representative of AIBTMF.

2. Utilisation of ash by Thermal Power Plants.

All coal or lignite based thermal power plants shall utilise the ash generated in the power plants as follows:

- (1) Every coal or lignite based thermal power plant shall make available ash, for at least ten years from the date of publication of this notification, without any payment or any other consideration, for the purpose of manufacturing ash-based products such as cement, concrete blocks, bricks, panels or any other material or for construction of roads, embankments, dams, dykes or for any other construction activity.
- (2) Every coal or lignite based thermal power plant commissioned subject to environmental clearance conditions stipulating the submission of an action plan for full utilisation of fly ash shall, within a period of nine years from the publication of this notification, phase out the dumping and disposal of fly ash on land in accordance with the plan. Such an action plan shall provide for thirty per cent of the fly ash utilisation, within three years from the publication of this notification with further increase in utilisation by at least ten per cent points every year progressively for the next six years to enable utilisation of the entire fly ash generated in the power plant at least by the end of ninth year. Progress in this regard shall be reviewed after five years.
- (3) Every coal or lignite based thermal power plant not covered by para (2) above shall, within a period of fifteen years from the date of publication of this notification, phase out the utilisation of fly ash in accordance with an action plan to be drawn up by the power plants. Such action plan shall provide for twenty per cent of fly ash utilisation within three years from the date of publication of this notification, with further increase in utilisation every year progressively for the next twelve years to enable utilisation of the entire fly ash generated in the power plant.
- (4) All action plans prepared by coal or lignite based thermal power plants in accordance with sub-para (2) and (3) of para 2 of this notification, shall be submitted to the Central Pollution Control Board/Committee and concerned, State Pollution Control Board/Committee and concerned regional office of the Ministry of Environment and Forests within a period of six months from the date of publication of this notification.
- (5) The Central and State Government Agencies, the State Electricity Boards, the National Thermal Power Corporation and the management of the thermal power plants shall facilitate in making available land, electricity and water for manufacturing activities and provide access to the ash lifting area for promoting and setting up of ash-based production units in the proximity of the area where ash is generated by the power plant.
- (6) Annual implementation report providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April every year to the Central Pollution Control Board, concerned State Pollution Control Board/Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants.

3. Specifications for use of ash-based products.

- (1) Manufacture of ash-based products such as cement, concrete blocks, bricks, panels or any other material or the use of ash in construction activity such as in road laying, embankments or use as landfill to reclaim low lying areas including back filling in abandoned mines or pitheads or for any other use shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Bureau of Mines, Indian Road Congress, Central Building Research Institute, Roorkee, Central Road Research Institute, New Delhi, Building Materials and Technology Promotion Council, New Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government agencies.

- (2) The Central Public Works Department, Public Works Departments in the State/Union Territory Governments, Development Authorities, Housing Boards, National Highway Authority of India and other construction agencies including those in the private sector shall also prescribe the use of ash and ash-based products in their respective schedules of specifications and construction applications, including appropriate standards and codes of practice, within a period of four months from the publication of this notification.
- (3) All local authorities shall specify in their respective building bye-laws and regulations the use of ash and ash-based products and construction techniques in building materials, roads, embankments or for any other use within a period of four months from the date of publication of this notification.

[F. No. 16-2/95-HSMD]
V RAJAGOPALAN, Jt.. Secy.

Annexure I:

b. Fly Ash (Amendment) Notification, 2003

MINISTRY OF ENVIRONMENT AND FORESTS NOTIFICATION

New Delhi, the 27th August 2003.

S.O. 979 (E):- Whereas a draft of certain amendments to the Government of India in the Ministry of Environment and Forests notification number S.O.763 (E) dated 14th September, 1999 (hereinafter referred to as the said notification) which the Central Government proposes to make under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 6th November, 2002 *vide* S.O. 1164 (E), dated the 5th November, 2002 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

And, whereas copies of the said Gazette were made available to the public on 27th November 2002;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely:

AMENDMENTS

1. In the said notification, in the preamble, for the words "fifty kilometers", the words "one hundred kilometres" shall be substituted.
 2. In the said notification, in paragraph 1,
 - (a) in sub-paragraph (1), for the words "fifty kilometers", the words "one hundred kilometres" shall be substituted;
 - (b) after sub-paragraph (1), the following sub- paragraphs shall be inserted, namely: -
 - "(1A) Every construction agency engaged in the construction of buildings within a radius of fifty to one hundred kilometres from a coal or lignite based thermal power plant shall use fly ash bricks or blocks or tiles or clay fly ash bricks or cement fly ash bricks or blocks or similar products or a combination or aggregate of them in such construction as per the following minimum percentage (by volume) of the total bricks, blocks and tiles, as the case may be, used in each construction project, namely:-
 - (i) 25 per cent by 31st August 2004;
 - (ii) 50 per cent by 31st August 2005;
 - (iii) 75 per cent by 31st August, 2006; and
 - (iv) 100 per cent by 31st August 2007.
- In respect of construction of buildings within a radius of 50 kilometres from a coal or lignite based thermal power plant the following minimum per centage (by volume) of use of bricks, blocks and tiles shall apply:
- (i) 50 per cent by 31st August 2004;
 - (ii) 100 per cent by 31st August 2005.
- (1B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies such as Housing Boards and those in the private sector builders of apartments, hotels, resorts and cottages and the like. It shall be the responsibility of the construction agencies either undertaking the construction or approving the design or both to ensure compliance

of the provisions of sub-paragraph (1A) and to submit such returns as may be called for and compliance reports to the State Government or Union territory Administration”;

- (c) for sub-paragraph (2), the following sub-paragraphs shall be substituted, namely:
 - “(2) The authority for ensuring the use of specified quantity of ash as per sub-paragraph (1) shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee, as the case may be.
 - (2A) The concerned State Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub- paragraph (1A).”;
- (d) in sub-paragraph (3), for the words, brackets and figure “under para (1)” the words, brackets and figure “under sub-paragraph (1)” shall be substituted;
- (d) after sub-paragraph (3), the following sub-paragraphs shall be inserted, namely: -
 - “(3A) A decision on the application for manufacture of fly ash bricks, block, and tiles and similar other fly ash based products shall be taken within thirty days from the date of receipt of the application by the competent authority. A decision on consent to establish the brick kiln shall be taken by the Pollution Control Board or the Pollution Control Committee, as the case may be, within a period of thirty days from the date of receipt of application by it.
 - (3B) In case of non-compliance of the provisions of sub-paragraph (1) of paragraph 1, the competent authority, in addition to cancellation of consent order issued to establish the brick kiln, shall move the district administration for cancellation of the mining lease.
 - (3C) All authorities sanctioning or renewing any land, soil or clay mining lease shall not grant such lease or extension of lease or renewal to clay brick, block or tile manufacturing unit within a radius of one hundred kilometres of the coal or lignite based thermal power plant in cases where the manufacturer does not mix a minimum of 25 per cent by weight of fly ash or pond ash in the manufacture of bricks or blocks or tiles. The cancellation of mining lease shall be decided by the district administration after giving the holder of such lease an opportunity of being heard. To enable the competent authority to verify the actual use of ash, the thermal power plant shall maintain month-wise records of ash made available to each brick kiln.
 - (3 D) It shall be sufficient compliance of this notification if within twelve months from the date of issue of this notification, manufacturers of clay bricks, blocks and tiles located within a radius of 50 to 100 kilometres of a coal or lignite based thermal power plant comply with the provisions of sub-paragraphs (1) and (2).”.
- (f) in sub-paragraph (4), after brackets and letters “(AIBTMF)”, the words “or a representative of local brick kiln owners association, federation, group.” shall be inserted;
- (g) after sub-paragraph (4), the following sub-paragraphs shall be inserted, namely: -
 - “(5) No agency, person or organization shall, within a radius of 100 kilometres of a thermal power plant undertake construction or approve design for construction of roads or flyover embankments in contravention of the guidelines/ specifications issued by the Indian Road Congress (IRC) as contained in IRC specification No. SP: 58 of 2001. Any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer-in-Chief of the concerned agency or organization or on production of a certificate of “Pond ash not available” from the thermal power plant(s) (TPPs) located within 100 kilometres of the site of construction. This certificate shall be provided by the TPP within two working days from the date of making a request for ash.
 - (6) Soil required for top or side covers of embankments of roads or flyovers shall be excavated from the embankment site and if it is not possible to do so, only the minimum quantity of soil required for the purpose shall be excavated from soil borrow area. In

either case, the topsoil should be kept or stored separately. Voids created due to soil borrow area shall be filled up with ash with proper compaction and covered with topsoil kept separately as above. This would be done as an integral part of embankment project within the time schedule of the project.

- (7) No agency, person or organization shall within a radius of 100 kilometres of a coal or lignite based thermal power plant allow reclamation and compaction of low-lying areas with soil. Only pond ash shall be used for compaction. They shall also ensure that such reclamation and compaction is done in accordance with the bye-laws, regulations and specifications laid down by the authorities mentioned in sub- paragraph (3) of paragraph 3.”.

3. In the said notification, in paragraph 2,

- (a) for the marginal heading “**Utilisation of ash by Thermal Power Plants**”, the marginal heading “**Responsibilities of Thermal Power Plants**” shall be substituted;
- (b) for the opening words, “All coal or lignite based thermal power plants shall utilise the ash generated in the power plants as follows: -”, “Every coal or lignite based thermal power plant shall take the following steps to ensure the utilisation of ash generated by it, namely: -”;
- (c) in sub- paragraph (1),
- (i) after the words “products such as cement, concrete blocks, bricks, panels”, the words “or a combination thereof” shall be inserted;
- (ii) the following shall be added at the end, namely: -
“ The thermal power plants have to ensure availability of fair quantity of ash to each user including brick kilns.”;

4. In the said notification, after paragraph 2, the following paragraph shall be inserted, namely: -

“2A. Utilization of fly ash for reclamation of sea.

“Subject to the rules made under the Environment (Protection) Act, 1986, (29 of 1986) reclamation of sea shall be a permissible method of utilization of fly ash.”.

5. In the said notification, in paragraph 3, the following sub-paragraphs shall be inserted, namely:

- “(2A) All agencies including the Central Public Works Department and State Government agencies concerned with utilization of fly ash for construction purposes shall, within three months from the 1st day of September, 2003 make provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates.
- (2B) All agencies undertaking construction of roads or fly over bridges including Ministry of Road Transport and Highways (MORTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Departments and other State Government Agencies, shall, within three months from the 1st day of September, 2003
- a. make provisions in their tender documents, schedules of approved materials and rates as well as technical documents, including those relating to soil borrow area or pit as per sub-paragraph (7) of paragraph 1; and
- b. make necessary specifications/guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).” .

[F.No.16-2/95-HSMD]

(Dr. V. Rajagopalan)

Joint Secretary to the Govt. of India

Footnote. - The principal notification was published in the Gazette of India, Part II, Section 3, sub-section (ii) *vide* S.O.763 (E) dated 14.9.1999.

Annexure I:
c. Fly Ash (Amendment) Notification, 2009

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 3rd November, 2009

S.O. 2804(E).—WHEREAS, by notification of the Government of India in the Ministry of Environment and Forests number S.O. 763(E), dated the 14th September, 1999 (hereinafter referred to as the said notification) issued under sub-section (1), clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, issued directions for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of one hundred kilometers from coal or lignite based thermal power plants;

AND WHEREAS, the term “fly ash” means and includes all categories or groups of coal or lignite ash generated at the thermal power plant and collected by Electrostatic Precipitator (ESP) or bag filters or other similar suitable equipments; bottom ash is the ash collected separately at the bottom of the boiler; pond ash is the mixture of ESP Fly ash and bottom ash, but, for the purpose of this notification, the term “fly ash” means and includes all ash generated such as Electrostatic Precipitator (ESP) ash, dry fly ash, bottom ash, pond ash and mound ash as the objective is to utilise all the ashes;

AND WHEREAS, there is a need for restricting the excavation of top soil for manufacture of bricks and for other works which involve use of top soil and promoting utilisation of fly ash produced by coal or lignite based thermal power plants including captive power plants and co-generation plants in the manufacture of building materials and construction activity;

AND WHEREAS, it was observed that there was a gradual increase in the use of fly ash in the manufacture of fly ash bricks or products from about 1.5 million tonne in 2002-2003 to 3.19 million tonne in 2006-2007 which needs to be further encouraged for achieving the ultimate objective of conservation of top soil and minimise environmental pollution caused due to fly ash;

AND WHEREAS, it is observed that construction agencies are yet to achieve their targets of utilization of fly ash based products even after the 31st August, 2007, the date prescribed for 100% utilisation of fly ash based products in the said notification of 1999 and it is also observed that many thermal power stations or plants are also yet to achieve the targets drawn up in their action plans;

AND WHEREAS, the representations of the brick kiln owners were considered with regard to transporting of fly ash over a long distance and also the logistics involved including the energy cost;

AND, WHEREAS, the issue has been examined by the Government of India in the Ministry of Environment and Forests;

AND WHEREAS, the Central Government is of the opinion that the said notification should be amended;

AND WHEREAS, clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

AND WHEREAS, a draft of amendment to the Government of India, Ministry of Environment and Forests notification no. S.O.763 (E), dated the 14th September, 1999 duly amended vide notification No. S.O. 979 (E), dated the 27th August, 2003 (hereinafter referred to as the said notification) which the Central Government proposes to make under subsection (1) clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 6th November, 2008 *vide* S.O. 2623 (E), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

AND WHEREAS, copies of the said Gazette were made available to the public on the day of 6th November 2008;

AND WHEREAS, the objections and suggestions received from various persons or agencies likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government in the Ministry of Environment and Forests;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely: -

AMENDMENTS

1. Throughout the said notification, save as otherwise expressly provided and unless the context otherwise requires, for the word "ash" wherever it occurs, the words "fly ash" shall be substituted.

2. In the said notification, in paragraph 1,—

(a) for sub-paragraph (1), the following shall be substituted, namely:-

"(i) use of fly ash based products in construction activities";

(b) for sub-paragraphs (1A) and (1B), the following sub-paragraphs shall respectively be substituted, namely:-

"(1A) Every construction agency engaged in the construction of buildings within a radius of hundred kilometers from a coal or lignite based thermal power plant shall use only fly ash based products for construction, such as: cement or concrete, fly ash bricks or blocks or tiles or clay fly ash bricks, blocks or tiles or cement fly ash bricks or bricks or blocks or similar products or a combination or aggregate of them, in every construction project.

(1B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector and it shall be the responsibility of the agencies either undertaking construction or approving the design or both to ensure compliance of the provisions of sub-paragraph (1A) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee, as applicable";

(c) after sub-paragraph (1B), the following sub-paragraph shall be inserted, namely:—

“(1C) Minimum fly ash content for building materials or products to qualify as “fly ash based products” category shall be as given in the Table I below:

Table I

| Serial Number | Building Materials or Products | Minimum % of fly ash by weight |
|---------------|---|---|
| (1) | (2) | (3) |
| 1. | Fly ash bricks, blocks, tiles, etc. made with fly ash, lime, gypsum, sand, stone dust etc. (without clay). | 50% of total input materials |
| 2. | Paving blocks, paving tiles, checker tiles, mosaic tiles, roofing sheets, pre-cast elements, etc. wherein cement is used as binder. | Usage of PPC (IS-1489: Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content. |
| 3. | Cement. | 15% of total raw materials |
| 4. | Clay based building materials such as bricks, blocks, tiles, etc. | 25% of total raw materials. |
| 5. | Concrete, mortar and plaster. | Usage of PPC (IS-1489: Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content. |

(d) in sub-paragraph (2), for the brackets and number “(1)”, the brackets, number and letter “(1C)” shall be substituted and the number of sub-paragraph (2) shall be substituted by 1(D);

(e) in paragraph (2A), the paragraph 1(A) shall be substituted by 1(A) and 1(B) and the amended paragraph 2(A) is to be numbered as 1(E);

(f) for sub-paragraphs (3) and (3A), the following sub-paragraphs shall respectively be substituted, namely:—

“(3) In case of non-availability of fly ash from thermal power plants in sufficient quantities as certified by the said power plants, within 100 km of the site, the stipulation under sub-paragraph (1A) shall be suitably modified (waived or relaxed) by the concerned State Government or Union territory Government level monitoring committee mentioned elsewhere in this notification.

(3A) A decision on the application for manufacture of fly ash bricks, blocks and tiles and similar other fly ash based products shall be taken within thirty days from the date of receipt of the application by the concerned State Pollution Control Board or Pollution Control Committee.”;

(g) sub-paragraphs (3B), (3C) and (3D) shall be omitted;

(h) for sub-paragraphs (4) and (5), the following sub-paragraphs shall be substituted, namely:-

“(4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and a representative of the relevant Construction and fly ash Brick Manufacturing Industry Association or Body, as the case may be and such a Committee shall ensure unhindered loading and transport of fly ash in an environmentally sound manner without any undue loss of time. Any unresolved dispute shall be dealt with by the concerned State or Union territory Government level monitoring committee mentioned elsewhere in this notification.

(5) No agency, person or organization shall, within a radius of hundred kilometers of a thermal power plant undertake construction or approve design for construction of roads or flyover embankments with top soil; the guidelines or specifications issued by the Indian Road Congress (IRC) as contained in IRC specification No. SP: 58 of 2001 as amended from time to time, regarding use of fly ash shall be followed and any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer-in-Chief of the concerned agency or organisation or on production of a certificate of “fly ash not available” from the thermal power plant(s) (TPPs) located within hundred kilometers of the site of construction and this certificate shall be provided by the TPP within two working days from the date of receipt of a request for fly ash, if fly ash is not available”;

(i) in sub-paragraph (6), for the words “Voids created due to soil borrow area shall be filled up with ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project within the time schedule of the project”, the words “Voids created at soil borrow area shall be filled up with fly ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project” shall be substituted;

(j) for sub-paragraph (7), the following sub-paragraphs shall be substituted, namely:—

“(7) No agency, person or organisation shall within a radius of hundred kilometers of a coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low-lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall also ensure that such reclamation and compaction is done in accordance with the specifications and guidelines laid down by the authorities mentioned in sub-paragraph (1) of paragraph 3.

(8)(i) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve stowing of mine without using at least 25% of fly ash on weight to weight basis, of the total stowing materials used and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub-paragraph (10) for this purpose.

(ii) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve without using at least 25% of fly ash on volume to volume basis of the total materials used for external dump of overburden and same percentage in upper benches of back filling of opencast mines and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub-paragraph (10) for this purpose.

(9) The provisions contained in clauses (i) and (ii) of sub-paragraph (8) shall be applicable to all mine agencies under Government, public and private sector and to mines of all minerals or metals or items and it shall be the responsibility of agencies either undertaking or approving the external dump of overburden, backfilling or stowing of mine or all these activities to ensure compliance of provisions contained in clauses (i) and (ii) of sub-paragraph (8) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee as applicable.

(10) The Ministry of Coal for this purpose shall constitute an expert committee comprising of representatives from Fly Ash Unit, Department of Science and Technology, Ministry of Science and Technology, Director General of Mines Safety (DGMS), Central Mine Planning and Design Institute Limited (CMPDIL), Ministry of Environment and Forests, Ministry of Power, Ministry of Mines and the Central Institute of Mining and Fuel Research (CIMFR), Dhanbad; the Committee shall also guide and advise the back filling or stowing in accordance with the provisions contained in sub-paragraphs (8) (i), 8 (ii) and (9), and specifications and guidelines laid down by the concerned authorities as mentioned in sub-paragraph (1) of paragraph 3.

(11) The concerned State Government or Union territory Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraphs (8) (i) and (8) (ii);

3. in the said notification, paragraph 2,—

(a) for sub-paragraphs (1), (2) and (3), the following sub-paragraphs shall be substituted, namely:—

(1) All coal or lignite based thermal power stations would be free to sell fly ash to the user agencies subject to the following conditions, namely:—

(i) the pond ash should be made available free of any charge on “as is where is basis” to manufacturers of bricks, blocks or tiles including clay fly ash product manufacturing unit(s), farmers, the Central and the State road construction agencies, Public Works Department, and to agencies engaged in backfilling or stowing of mines.

(ii) at least 20% of dry ESP fly ash shall be made available free of charge to units manufacturing fly ash or clay-fly ash bricks, blocks and tiles on a priority basis over other users and if the demand from such agencies falls short of 20% of quantity, the balance quantity can be sold or disposed of by the power station as may be possible;

Provided that the fly ash obtained from the thermal power station should be utilized only for the purpose for which it was obtained from the thermal power station or plant failing which no fly ash shall be made available to the defaulting users.

(2) All coal and, or lignite based thermal power stations and, or expansion units in operation before the date of this notification are to achieve the target of fly ash utilization as per the Table II given below:

Table II

| Serial Number | Percentage Utilization of Fly Ash | Target Date |
|---------------|------------------------------------|--|
| (1) | (2) | (3) |
| 1. | At least 50% of fly ash generation | One year from the date of issue of this notification. |
| 2. | At least 60% of fly ash generation | Two years from the date of issue of this notification. |
| 3. | At least 75% of fly ash generation | Three years from the date of issue of this notification. |

| | | |
|----|------------------------------------|---|
| 4. | At least 90% of fly ash generation | Four years from the date of issue of this notification. |
| 5. | 100% fly ash generation | Five years from the date of issue of this notification. |

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for those years and the balance unutilized fly ash accumulated during first five years (the difference between the generation and the utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.

(3) New coal and, or lignite based thermal power stations and, or expansion units commissioned after this notification to achieve the target of fly ash utilization as per Table III given below:

Table III

| Serial Number | Fly ash utilization level | Target date |
|---------------|------------------------------------|---|
| (1) | (2) | (3) |
| 1. | At least 50% of fly ash generation | One year from the date of commissioning. |
| 2. | At least 70% of fly ash generation | Two years from the date of commissioning. |
| 3. | 90% of fly ash generation | Three years from the date of commissioning. |
| 4. | 100% of fly ash generation | Four years from the date of commissioning. |

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for these years and the balance unutilized fly ash accumulated during first four years (the difference between the generation and utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.”;

(b) in sub-paragraph (4), for the words “six months”, the words “four months” shall be substituted;

(c) for sub-paragraph (6), the following sub-paragraphs shall be substituted, namely:—

“(6) The amount collected from sale of fly ash and fly ash based products by coal and/or lignite based thermal power stations or their subsidiary or sister concern unit, as applicable should be kept in a separate account head and shall be utilized only for development of infrastructure or facilities, promotion and facilitation activities for use of fly ash until 100 percent

fly ash utilization level is achieved; thereafter as long as 100% fly ash utilization levels are maintained, the thermal power station would be free to utilize the amount collected for other development programmes also and in case, there is a reduction in the fly ash utilization levels in the subsequent year(s), the use of financial return from fly ash shall get restricted to development of infrastructure or facilities and promotion or facilitation activities for fly ash utilization until 100 percent fly ash utilisation level is again achieved and maintained.

(7) Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants, and also be made a part of the annual report of the thermal power plant as well as thermal power plant wise information be provided in the annual report of thermal power producing agency owning more than one thermal power plant.”;

4. in the said notification, in paragraph 3,—

(a) in sub-paragraph (2), for the words “schedules of specifications and construction applications, including appropriate standards and codes of practice, within a period of four months from the publication of this notification”, the words “tender documents, schedules of specifications and construction applications including appropriate standards and codes of practice within a period of four months from the publication of this notification” shall be substituted;

(b) for sub-paragraph (2A), the following sub-paragraph shall be substituted, namely:—

“(2A) Building construction agencies both in public and private shall prescribe the use of fly ash and fly ash-based products in their respective tender documents, schedules of specifications and construction applications, including appropriate standards and codes of practice and make provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates within a period of four months from the publication of this notification.”;

(c) for sub-paragraphs (2B) and (3), the following sub-paragraphs shall be substituted, namely:—

“(2B) All agencies undertaking construction of roads or fly over bridges and reclamation and compaction of low lying areas, including Department of Road Transport and Highways (DORTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Departments and other State Government Agencies, shall within a period of four months from the publication of this notification:-

- (a) make provisions in their tender documents, schedules of approved materials and rates as well as technical documents for implementation of this notification, including those relating to soil borrow area or pit as per sub-paragraph (6) of paragraph 1; and
 - (b) make necessary specifications or guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).
- (3) All local authorities shall specify in their respective tender documents, building bye-laws and regulations, the use of fly ash and fly ash-based products and construction techniques in building materials, roads embankments or for any usage with immediate effect.
- (4) The Central Electricity Authority and other approving agencies may permit the land area for emergency ash pond or fly ash storage area up to 50 hectares for a 500 MW unit, based on 45% ash content coal, or in the same proportion for units in other capacities taking into account the ash content in coal or lignite to be used.
- (5) All Financial institutions and agencies which fund construction activities shall include a clause in their loan or grant document for compliance of the provisions of this notification.
- (6) A Monitoring committee shall be constituted by the Central Government with Members from Ministry of Coal, Ministry of Mines, Ministry of Power, Central Pollution Control Board, Central Electricity Authority, Head Fly Ash Unit of Department of Science and Technology and Building Material Technology Promotion Council to monitor the implementation of the provisions of the notification and submit its recommendations or observations at least once in every six months to the Secretary, Ministry of Environment and Forests. Concerned Advisor or Joint Secretary in the Ministry of Environment and Forests will be the convener of this committee.

(7) For the purpose of monitoring the implementation of the provisions of this notification the State Governments or Union territory Government shall constitute a Monitoring Committee within three months from the date of issue of this notification under the Chairmanship of Secretary, Department of Environment with representatives from Department of Power, Department of Mining, Road and Building Construction Department and State Pollution Control Board and this Committee would deal with any unresolved issue by Dispute Settlement Committee as prescribed in sub-paragraph (4) of paragraph 1, in addition to monitoring and facilitating implementation of this notification at the respective State Government or Union territory level and this Committee would also be empowered to suitably modify (waive or relax) the stipulation under sub-paragraph (1) in case of non-availability of fly ash in sufficient quantities from thermal power plant as certified by the said power plants and the Committee will meet at least once in every quarter.

[F. No. 9-8/2005-HSMD]

G. V. SUBRAHMANYAM, Scientist 'G'

Foot Note :—The principal notification was published in the Gazette of India, Part II, Section 3, Sub-section (ii) *vide* notification number S.O. 763(E), dated the 14th September, 1999 and was amended *vide* notification number S.O. 979(E), dated the 27th August, 2003.

Annexure I:

d. Fly Ash (Amendment) Notification, 2016



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय**अधिसूचना**

नई दिल्ली, 25 जनवरी, 2016

का.आ. 254(अ).—भारत सरकार, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना सं. का.आ. 763(अ), तारीख 14 सितंबर, 1999 (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) में कतिपय संशोधनों का प्रारूप, जिन्हें केन्द्रीय सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) के अंतर्गत करने का प्रस्ताव करती है, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में अधिसूचना सं. का.आ. 1396(अ), तारीख 25 मई, 2015 द्वारा प्रकाशित किया गया था, जिसके द्वारा ऐसे सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त प्रारूप संशोधनों को अंतर्विष्ट करने वाली राजपत्र की प्रतियां जनता को उपलब्ध करा दी जाती हैं, साठ दिनों के अवसान से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां 25 मई, 2015 को जनता को उपलब्ध करा दी गई थी;

और उक्त प्रारूप अधिसूचना के संबंध में, ऐसे सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना थी, प्राप्त सभी आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा सम्यक् रूप से विचार कर लिया गया है;

अतः, अब, केन्द्रीय सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :-

1. उक्त अधिसूचना के पैरा 1 में-

- (क) उप पैरा 1(क) में "सौ किलोमीटर" शब्दों के स्थान पर "तीन सौ किलोमीटर" शब्द रखे जाएंगे;
- (ख) उप पैरा 3 में "100 कि.मी." अंकों और शब्दों के स्थान पर "तीन सौ किलोमीटर" शब्द रखे जाएंगे;
- (ग) उप पैरा 5 में "सौ किलोमीटर" शब्दों के स्थान पर "तीन सौ किलोमीटर" शब्द रखे जाएंगे;
- (घ) उप पैरा 7 में "सौ किलोमीटर" शब्दों के स्थान पर "तीन सौ किलोमीटर" शब्द रखे जाएंगे;

2. उक्त अधिसूचना के पैरा 2 में:-**(क) उप पैरा (1) के पश्चात् निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात्:-**

“परंतु यह और कि शुष्क ईएसपी फ्लाई ऐश के 20 प्रतिशत का निःशुल्क प्रदाय करने का निर्बंधन उन तापीय विद्युत संयंत्रों पर लागू नहीं होगा, जो विहित रीति में सौ प्रतिशत फ्लाई ऐश का उपयोग करने में समर्थ हैं।”

(ख) उप पैरा (7) के पश्चात् निम्नलिखित उप पैरा अंतःस्थापित किए जाएंगे, अर्थात् :-

- “(8) प्रत्येक कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र (जिसके अंतर्गत कैपटिव और/या सह उत्पादन केन्द्र भी हैं), अधिसूचना की तारीख से तीन मास के भीतर उनके पास उपलब्ध प्रत्येक किस्म की ऐश के स्टॉक के ब्यौरे अपनी वेबसाइट पर अपलोड करेगा और उसके पश्चात् मास में कम से कम एक बार स्टॉक की स्थिति को अद्यतन करेगा।
- (9) प्रत्येक कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र समर्पित शुष्क ऐश साइलस प्रतिष्ठापित करेगा, जिनके पास पृथक् पहुंच मार्ग होंगे, जिससे कि फ्लाई ऐश के परिदान को सुगम बनाया जा सके।
- (10) कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र से 100 किलोमीटर की परिधि के भीतर सड़क संनिर्माण परियोजनाओं या ऐश आधारित उत्पादों के संनिर्माण के लिए या कृषि संबंधित क्रियाकलापों में मृदा अनुकूलक के रूप में उपयोग के लिए ऐश के परिवहन की लागत ऐसे कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र द्वारा वहन की जाएगी और 100 किलोमीटर की परिधि से परे और 300 किलोमीटर की परिधि के भीतर ऐसे परिवहन की लागत को उपयोक्ता और कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र के बीच समान रूप से अंश भाजित की जाएगी।
- (11) कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र अपने परिसरों के भीतर या अपने परिसरों के आस-पास ऐश आधारित उत्पाद संनिर्माण सुविधाओं का संवर्धन करेंगे, उन्हें अपनाएंगे और उनकी स्थापना करेंगे (वित्तीय और अन्य सहबद्ध अवसंरचना)।
- (12) नगरों के आस-पास बने कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र ऐश आधारित उत्पाद विनिर्माण इकाइयों का संवर्धन करेंगे और उनकी स्थापना का समर्थन और उसमें सहायता करेंगे ताकि ईंटों और अन्य भवन संनिर्माण सामग्रियों की अपेक्षाओं की पूर्ति की जा सके और साथ ही परिवहन में कमी की जा सके।
- (13) यह सुनिश्चित करने के लिए कि किसी सड़क संनिर्माण का संविदाकार सड़क निर्माण में ऐश का उपयोग करता है, सड़क संनिर्माण के लिए संबद्ध प्राधिकारी संविदाकार को किए जाने वाले संदाय को तापीय विद्युत संयंत्र से ऐश के प्रदाय के प्रमाणीकरण के साथ जोड़ेगा।
- (14) कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र, 300 किलोमीटर की परिधि के भीतर प्रधानमंत्री ग्रामीण सड़क योजना के अधीन सड़क संनिर्माण परियोजनाओं और भवनों, सड़कों, बांधों और तटबंधों के संनिर्माण को अंतर्वलित करने वाले सरकार के आस्ति सृजन कार्यक्रमों के स्थल तक ऐश के परिवहन की संपूर्ण लागत का वहन करेगा।”

3. उक्त अधिसूचना के पैरा (2) के उप-पैरा (2क) को उप-पैरा (15) के रूप में पढ़ा जाए और उक्त उप-पैरा के अंत में निम्नलिखित उप-पैरा जोड़ा जाएगा, अर्थात् :-

“और तटीय जिलों में अवस्थित कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र तटरेखा सुरक्षा उपायों का समर्थन करेंगे, उनके संनिर्माण में सहायता करेंगे या उसमें प्रत्यक्ष रूप से सम्मिलित होंगे।”

4. उक्त अधिसूचना के पैरा 3 में उप-पैरा (7) के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :-

- “(8) विभिन्न संनिर्माण परियोजनाओं का अनुमोदन करने वाले सभी राज्य प्राधिकारियों का यह उत्तरदायित्व होगा कि वे यह सुनिश्चित करें कि फ्लाई ऐश का उपयोग करने या फ्लाई ऐश आधारित उत्पादों के लिए तापीय विद्युत संयंत्रों और संनिर्माण अभिकरण या संविदाकारों के बीच परस्पर समझ जापन या कोई अन्य ठहराव किया जाता है।
- (9) राज्य प्राधिकारी, दस लाख या अधिक की जनसंख्या वाले नगरों की भवन निर्माण संबंधी उप विधियों का संशोधन करेंगे ताकि भार वहन करने वाली संरचनाओं हेतु तकनीकी अपेक्षाओं के अनुसार आवश्यक विनिर्देशों को ध्यान में रखते हुए ऐश आधारित ईंटों के आज्ञापक उपयोग को सुनिश्चित किया जा सके।

- (10) संबद्ध प्राधिकारी सभी सरकारी स्कीमों या कार्यक्रमों में, उदाहरणार्थ महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी अधिनियम, 2005 (मनरेगा), स्वच्छ भारत अभियान, शहरी और ग्रामीण आवासन स्कीम, जहां संनिर्मित क्षेत्र एक हजार वर्ग फुट से अधिक है और अवसंरचना संबंधी संनिर्माण में, जिसके अंतर्गत अभिहित औद्योगिक संपदाओं या पार्कों या विशेष आर्थिक जोनों में भवन निर्माण भी है, ऐश आधारित ईटों या उत्पादों के आजापक उपयोग को सुनिश्चित करेंगे।
- (11) कृषि मंत्रालय कृषि क्रियाकलापों में ऐश के मृदा अनुकूलक के रूप में उपयोग का संवर्धन करने पर विचार कर सकेगा।”

5. सभी संबद्ध प्राधिकारियों द्वारा उपरोक्त उपबंधों का अनुपालन करने की समयावधि 31 दिसंबर, 2017 है। कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र, उनके द्वारा उत्पादित फ्लाई ऐश के 100 प्रतिशत उपयोग के अतिरिक्त उपरोक्त उपबंधों का अनुपालन 31 दिसंबर, 2017 से पूर्व करेंगे।

[फा. सं. 9-8/2005-एचएसएमडी]

विश्वनाथ सिन्हा, संयुक्त सचिव

टिप्पण:- मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में अधिसूचना सं. का.आ. 763(अ), तारीख 14 सितंबर, 1999 द्वारा प्रकाशित की गई थी और इसमें पश्चातवर्ती संशोधन अधिसूचना सं. का.आ. 979(अ), तारीख 27 अगस्त, 2003 और का.आ. 2804(अ), तारीख 3 नवंबर, 2009 द्वारा किए गए थे।

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 25th January, 2016

S.O. 254(E).—Whereas a draft of certain amendments to the Government of India in the Ministry of Environment, Forests and Climate Change number S.O. 763(E), dated the 14th September, 1999 (hereinafter referred to as the said notification) which the Central Government proposes to make under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, **was** published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (ii), *vide* S.O. 1396(E), dated the 25th May, 2015 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

And, whereas copies of the said Gazette were made available to the public on 25th May, 2015;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely: —

1. In the said notification, in paragraph 1,-

- in sub-paragraph 1(A), for the words “hundred kilometers”, the words “three hundred kilometers” shall be substituted;
- in sub-paragraph (3), for the figures and letters “100 km”, the words “three hundred kilometers” shall be substituted;
- in sub-paragraph (5), for the words “hundred Kilometers”, the words “three hundred Kilometers” shall be substituted;
- in sub-paragraph (7), for the words “hundred Kilometers”, the words “three hundred Kilometers” shall be substituted.

2. In the said notification, in paragraph 2:-**(a) after sub-paragraph (1), the following proviso shall be inserted, namely:-**

“provided further that the restriction to provide 20 % of dry ESP fly ash free of cost shall not apply to those thermal power plants which are able to utilise 100 % fly ash in the prescribed manner.”

(b) after sub-paragraph (7), the following sub-paragraphs shall be inserted, namely:-

- “(8) Every coal or lignite based thermal power plants (including captive and or co-generating stations) shall, within three months from the date of notification, upload on their website the details of stock of each type of ash available with them and thereafter shall update the stock position at least once a Month.
- (9) Every coal or lignite based thermal power plants shall install dedicated dry ash silos having separate access roads so as to ease the delivery of fly ash.
- (10) The cost of transportation of ash for road construction projects or for manufacturing of ash based products or use as soil conditioner in agriculture activity within a radius of hundred kilometers from a coal or lignite based thermal power plant shall be borne by such coal or lignite based thermal power plant and the cost of transportation beyond the radius of hundred kilometers and up to three hundred kilometers shall be shared equally between the user and the coal or lignite based thermal power plant.
- (11) The coal or lignite based thermal power plants shall promote, adopt and set up (financial and other associated infrastructure) the ash based product manufacturing facilities within their premises or in the vicinity of their premises so as to reduce the transportation of ash.
- (12) The coal or lignite based thermal power plants in the vicinity of the cities shall promote, support and assist in setting up of ash based product manufacturing units so as to meet the requirements of bricks and other building construction materials and also to reduce the transportation.
- (13) To ensure that the contractor of road construction utilizes the ash in the road, the Authority concerned for road construction shall link the payment of contractor with the certification of ash supply from the thermal power plants.
- (14) The coal or lignite based thermal power plants shall within a radius of three hundred kilometers bear the entire cost of transportation of ash to the site of road construction projects under Pradhan Mantri Gramin Sadak Yojna and asset creation programmes of the Government involving construction of buildings, road, dams and embankments”.

3. In the said notification, in paragraph 2, sub-paragraph (2A) be read as sub-paragraph (15) and at the end of the said sub-paragraph, the following sub-paragraph shall be added, namely:-

“and the coal or lignite based thermal power plants located in coastal districts shall support, assist or directly engage into construction of shore line protection measures.”

4. In the said notification, in paragraph 3, after sub-paragraph (7), the following shall be inserted, namely:-

- “(8) It shall be the responsibility of all State Authorities approving various construction projects to ensure that Memorandum of Understanding or any other arrangement for using fly ash or fly ash based products is made between the thermal power plants and the construction agency or contractors.
- (9) The State Authorities shall amend Building Bye Laws of the cities having population One million or more so as to ensure the mandatory use of ash based bricks keeping in view the specifications necessary as per technical requirements for load bearing structures.
- (10) The concerned Authority shall ensure mandatory use of ash based bricks or products in all Government Scheme or programmes e.g. Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MNREGA), SWACHH BHARAT ABIYAN, Urban and Rural Housing Scheme, where built up area is more than 1000 square feet and in infrastructure construction including buildings in designated industrial Estates or Parks or Special Economic Zone.

(11) The Ministry of Agriculture may consider the promotion of ash utilisation in agriculture as soil conditioner.”

- 5. The time period to comply with the above provisions by all concerned authorities is 31st December, 2017. The coal or lignite based thermal power plants shall comply with the above provision in addition to 100 % utilization of fly ash generated by them before 31st December, 2017.**

[F. No. 9-8/2005-HSMD]

BISHWANATH SINHA, Jt. Secy.

Note:- The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (ii) *vide* notification S.O. 763(E), dated the 14th September, 1999 and was subsequently amended *vide* notification S.O. 979(E), dated the 27th August, 2003 and S.O. 2804(E), dated the 3rd November, 2009.

Annexure I:

e. Draft Fly Ash (Amendment) Notification, 2021



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-22042021-226711
CG-DL-E-22042021-226711

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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नई दिल्ली, बृहस्पतिवार, अप्रैल 22, 2021/वैशाख 2, 1943

No. 227]

NEW DELHI, THURSDAY, APRIL 22, 2021/VAISAKHA 2, 1943

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 22 अप्रैल 2021

सा.का.नि. 285(अ).—पूर्व के पर्यावरण और वन मंत्रालय में भारत सरकार की दिनांक 14 सितम्बर, 1999 की, समय-समय पर यथासंशोधित, अधिसूचना सं. का.आ. 763 (अ), द्वारा केंद्रीय सरकार द्वारा कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्रों से तीन सौ किलोमीटर के विनिर्दिष्ट क्षेत्र के भीतर ईंटों के विनिर्माण के लिए ऊपरी मिट्टी की खुदाई पर प्रतिबंध लगाने तथा निर्माण सामग्री के विनिर्माण में और निर्माण कार्यकलाप में फ्लाई-ऐश के उपयोग को बढ़ावा देने हेतु निदेश जारी किए गए थे;

और, प्रदूषणकर्ता द्वारा क्षतिपूर्ति के भुगतान (पीपीपी) के सिद्धांत के आधार पर, ऐसा करके कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्रों द्वारा फ्लाई-ऐश का 100% उपयोग सुनिश्चित करते हुए और फ्लाई-ऐश प्रबंधन प्रणाली की संधारणीयता के लिए इन अधिसूचनाओं को और अधिक प्रभावकारी ढंग से कार्यान्वित करने हेतु, केंद्रीय सरकार ने मौजूदा अधिसूचनाओं की समीक्षा की; और प्रदूषणकर्ता द्वारा क्षतिपूर्ति के भुगतान के सिद्धांत के आधार पर, जुर्माना/दण्ड निर्धारित किए जाने की आवश्यकता है;

और, विनिर्माण को बढ़ावा देकर तथा निर्माण कार्य के क्षेत्र में राख आधारित उत्पादों तथा निर्माण सामग्रियों के प्रयोग को अनिवार्य करके सतही मिट्टी को संरक्षित करने की आवश्यकता है;

और, सड़क बनाने, सड़क एवं फ्लाई ओवर के रेलिंग बनाने, तटरेखा की सुरक्षा का उपाय करने, अनुमोदित परियोजनाओं के निचले क्षेत्रों को भरने, खनित स्थलों को फिर से भरने में मिट्टी की सामग्रियों से भरने के विकल्प के रूप में राख उपयोग को बढ़ावा देकर सतही मिट्टी और प्राकृतिक संसाधनों को संरक्षित करने की आवश्यकता है;

और, पर्यावरण को सुरक्षित करना तथा कोयला अथवा लिग्नाइट आधारित ताप विद्युत संयंत्रों से सृजित फ्लाई ऐश के निक्षेपण तथा निपटान की रोकथाम करना आवश्यक है;

और, अधिसूचना में जो 'राख' शब्द का प्रयोग किया गया है उसमें कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्रों से सृजित फ्लाई-ऐश और बॉटम-ऐश दोनों शामिल हैं;

और, केंद्रीय सरकार प्रदूषणकर्ता द्वारा क्षतिपूर्ति के भुगतान के सिद्धांत के आधार पर, दण्डों/जुर्मानों की प्रणाली सहित राख के उपयोग के लिए एक व्यापक ढांचा लाना चाहती है;

अतः अब, पर्यावरण (संरक्षण) नियम, 1986 के नियम (5) के उप-नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 14 सितम्बर, 1999 की फ्लाई-ऐश अधिसूचना सं. का.आ. 763 (अ) और उसमें किए गए परवर्ती संशोधनों का अधिक्रमण करते हुए, केंद्रीय सरकार द्वारा अब इससे संभावित तौर पर प्रभावित होने वाले लोगों के सूचनार्थ राख के उपयोग के संबंध में एक अधिसूचना प्रस्तावित की गई है और एतद्वारा यह सूचना दी जाती है कि उक्त प्रारूप अधिसूचना पर सरकारी राजपत्र में प्रारूप के प्रकाशन की तारीख से साठ (60) दिनों की अवधि पूरा होने की तारीख को या उस अवधि के समाप्त होने के उपरान्त विचार किया जाएगा;

उक्त प्रारूप अधिसूचना के संबंध में ऊपर विनिर्दिष्ट अवधि के भीतर किसी व्यक्ति से प्राप्त आपत्ति या सुझाव पर केंद्रीय सरकार द्वारा विचार किया जाएगा;

आपत्तियां या सुझाव, यदि कोई हों, संयुक्त सचिव, एचएसएमडी, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, इंदिरा पर्यावरण भवन, जोरबाग रोड, नई दिल्ली-110003 के पते पर भेजे जा सकते हैं, और ई-मेल आईडी : moefcc.coalash@gov.in पर प्रेषित किए जा सकते हैं।

प्रारूप अधिसूचना

क. फ्लाई-ऐश और बॉटम-ऐश का निपटान करने हेतु ताप विद्युत संयंत्रों (टीपीपी) के उत्तरदायित्व:

1. प्रत्येक कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्र (जिनमें कैप्टिव और/या सह-उत्पादन केंद्र शामिल हैं) की यह प्राथमिक जिम्मेदारी होगी कि वह अपने द्वारा सृजित राख (फ्लाई-ऐश और बॉटम-ऐश) का नीचे अनुच्छेद में दिए गए पारि-अनुकूल तरीके से 100% उपयोग सुनिश्चित करे।
2. कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्रों से सृजित राख का उपयोग केवल निम्नलिखित पारि-अनुकूल प्रयोजनों के लिए किया जाएगा:
 - i. ईट/ब्लॉक/टाइल का विनिर्माण;
 - ii. सीमेंट विनिर्माण, रेडी-मिक्स कंक्रीट;
 - iii. सड़क निर्माण और फ्लाई-ओवर के रेलिंग का निर्माण, राख और जिओ-पॉलीमर आधारित निर्माण सामग्री;
 - iv. बांध का निर्माण;
 - v. निचले क्षेत्र को भरना;
 - vi. खनन कार्य से रिक्त हुए स्थान को भरना;

- vii. सिंटेड/शीत-बद्ध राख संचय का विनिर्माण;
 - viii. मृदा परीक्षण के आधार पर नियंत्रित तरीके से कृषि;
 - ix. तटीय जिलों में तटरेखा संरक्षण संरचनाओं का निर्माण;
 - x. अन्य देशों को राख का निर्यात;
 - xi. समय-समय पर यथाधिसूचित किसी अन्य पारि-अनुकूल प्रयोजन के लिए।
3. अध्यक्ष, केंद्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) की अध्यक्षता में एक समिति गठित की जाएगी जिसमें पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, विद्युत मंत्रालय, खान मंत्रालय, कोयला मंत्रालय, सड़क परिवहन और राजमार्ग मंत्रालय, कृषि अनुसंधान एवं शिक्षा विभाग, सड़क कांग्रेस संस्थान तथा राष्ट्रीय सीमेंट एवं भवन सामग्री परिषद के प्रतिनिधियों को सदस्यों के रूप में शामिल किया जाएगा, जिसका उद्देश्य राख के उपयोग के पारि-अनुकूल तौर-तरीकों की जांच करना, उनकी समीक्षा एवं अनुशंसा करना तथा प्रौद्योगिकीय विकासों तथा हितधारकों से प्राप्त अनुरोधों के आधार पर पैरा क(2) में यथोल्लिखित ऐसे तौर-तरीकों की सूची में समिति द्वारा सुझाए गए तौर-तरीकों को शामिल करना/किसी तौर-तरीके को सूची से हटाना/उसमें संशोधन करना है। जब भी इस प्रयोजन के लिए अपेक्षित हो, यह समिति राज्य प्रदूषण नियंत्रण बोर्ड / प्रदूषण नियंत्रण समिति, ताप विद्युत संयंत्र और खानों के प्रचालकों को आमंत्रित कर सकती है। इस समिति सिफारिश के आधार पर, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ऐसे पारि-अनुकूल प्रयोजन प्रकाशित करेगा।
4. प्रत्येक कोयला/लिग्नाइट आधारित ताप विद्युत संयंत्र उस वर्ष के दौरान सृजित राख (फ्लाई-ऐश और बॉटम-ऐश) का 100% उपयोग करने हेतु उत्तरदायी होगा। तथापि, किसी भी स्थिति में, किसी वर्ष में राख का उपयोग 80% से नीचे नहीं होगा। साथ ही, उसे 3 वर्ष की अवधि में 100% औसत राख उपयोग का लक्ष्य प्राप्त करना चाहिए।

परन्तु, पहली बार के लिए लागू तीन वर्ष की अवधि को ऐसे ताप विद्युत संयंत्रों, जहां राख का उपयोग 60-80% के बीच होता है, हेतु एक वर्ष के लिए और ऐसे संयंत्रों, जहां राख का उपयोग 60% से कम है, हेतु दो वर्ष के लिए बढ़ाया जा सकता है। राख के उपयोग की प्रतिशतता की गणना के लिए वर्ष 2021-22 में उपयोग की प्रतिशत प्रमात्रा को ध्यान में रखा जाएगा। इसका व्यौरा नीचे तालिका में दिया गया है:

| तापीय विद्युत संयंत्रों के उपयोग की प्रतिशतता | 100% उपयोगिता प्राप्त करने के लिए प्रथम अनुपालन चक्र | 100% उपयोगिता प्राप्त करने के लिए द्वितीय अनुपालन चक्र |
|---|--|--|
| >80% | 3 वर्ष | 3 वर्ष |
| 60-80% | 4 वर्ष | 3 वर्ष |
| <60% | 5 वर्ष | 3 वर्ष |

परन्तु, तापीय विद्युत संयंत्रों के लिए 80% न्यूनतम उपयोग प्रतिशतता, क्रमशः 60-80% और <60% की उपयोगिता की श्रेणी के तहत आने वाले ताप विद्युत संयंत्रों के लिए प्रथम अनुपालन चक्र के पहले वर्ष और पहले दो वर्षों पर लागू नहीं है।

परन्तु, अनुपालन चक्र के अंतिम वर्ष में सृजित 20% राख को अगले चक्र में ले जाया जाएगा जिसका उपयोग उस अनुपालन चक्र के दौरान सृजित राख के साथ अगले 3 वर्षों में किया जाएगा।

5. अप्रयुक्त संचित राख अर्थात् लीगेसी ऐश, जिसका इस अधिसूचना के प्रकाशन से पहले भंडारण किया गया है, को तापीय विद्युत संयंत्र (टीपीपी) द्वारा इस रीति से क्रमिक रूप से उपयोग में लाया जाएगा, कि

लीगेसी ऐश को इस अधिसूचना के प्रकाशन की तिथि से 10 वर्षों के भीतर पूरी तरह उपयोग कर लिया जाएगा। यह उस विशिष्ट वर्ष के चालू संचालनों के माध्यम से राख उत्सर्जन के लिए निर्धारित उपयोग लक्ष्यों से अतिरिक्त होगा।

परन्तु, निम्नलिखित प्रतिशतताओं में यथा उल्लिखित लीगेसी ऐश की न्यूनतम मात्रा का उपयोग संगत वर्ष के दौरान कर लिया जाएगा। लीगेसी ऐश की न्यूनतम प्रमात्रा की गणना टीपीपी की संस्थापित क्षमता के अनुसार वार्षिक राख उत्सर्जन के आधार पर की जानी है।

| प्रकाशन की तिथि से वर्ष | पहला | दूसरा | तीसरा-दसवां |
|--|--------------|--------------|--------------|
| लीगेसी ऐश का उपयोग (वार्षिक राख की प्रतिशतता) | कम से कम 20% | कम से कम 35% | कम से कम 50% |

परन्तु, लीगेसी ऐश का उपयोग वहां अपेक्षित नहीं है, जहां राख के कुंड/डाइक स्थिर हो गए हैं और हरित पट्टी के निर्माण/पौध रोपण से पुनरुद्धार किया गया है। संबंधित राज्य प्रदूषण नियंत्रण बोर्ड इस संबंध में प्रमाणित करेगा। किसी राख तालाब/डाइक के स्थिरीकरण और भूमि-उद्धार का कार्य, जिसमें सीपीसीबी/एसपीसीबी द्वारा प्रमाणन शामिल है, इस अधिसूचना के प्रकाशन की तारीख से एक वर्ष के भीतर किया जाएगा। अन्य सभी राख तालाबों/डाइकों में शेष बचे राख का उपयोग ऊपर उल्लिखित समय-सीमाओं के अनुसार क्रमिक रूप से किया जाएगा।

राख के उपयोग के लक्ष्यों को हासिल करने के लिए पैरा क(4) और क(5) के तहत दायित्व 01 अप्रैल, 2022 की तारीख से लागू होंगे।

- किसी भी नए तापीय विद्युत संयंत्र (टीपीपी) में 0.1 हेक्टेयर प्रति एमडब्ल्यू क्षेत्रफल के साथ आपातकालीन/अस्थायी राख कुंड की अनुमति दी जा सकती है। राख के कुंडों/ डाइकों का तकनीकी विनिर्देश, केन्द्रीय विद्युत प्राधिकरण (सीईए) के परामर्श से सीपीसीबी द्वारा बनाए गए दिशानिर्देशों के अनुसार होगा। ये दिशानिर्देश राख के कुंड/डाइक के संबंध में इसकी सुरक्षा, पर्यावरणीय प्रदूषण, उपलब्ध प्रमात्रा, निपटान का तरीका, निपटान में जल की खपत/संरक्षण, राख जल पुनर्चक्रण और ग्रीन बेल्ट आदि के वार्षिक प्रमाणन के लिए कार्यविधि भी निर्धारित करेंगे और अधिसूचना के प्रकाशन की तिथि से 3 महीनों के भीतर प्रस्तुत किए जाएंगे।
- प्रत्येक कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्र यह सुनिश्चित करेगा कि राख की लदाई, उतराई, ढुलाई, भंडारण और निपटान पर्यावरणीय दृष्टि से अनुकूल रीति से किया गया है और वायु और जल प्रदूषण की रोकथाम के लिए सभी ऐहियात किए गए हैं। इस संबंध में स्थिति की सूचना प्रपत्र-क में संबंधित राज्य प्रदूषण नियंत्रण बोर्ड (सीएसपीसीबी)/प्रदूषण नियंत्रण समिति (पीसीसी) को दी जाएगी।
- प्रत्येक कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र, संस्थापित क्षमता पर आधारित राख के कम से कम 16 घंटों के भंडारण के लिए समर्पित शुष्क फ्लाईऐश साइलोस प्रतिष्ठापित करेगा, जिनके पास पृथक पहुंच मार्ग होंगे, जिससे कि राख पहुंचाने के कार्य को सुगम बनाया जा सके। इसकी सूचना संबंधित राज्य प्रदूषण नियंत्रण बोर्ड/ प्रदूषण नियंत्रण समिति को प्रपत्र-क में दी जाएगी और सीपीसीबी/एसपीसीबी द्वारा समय-समय पर निरीक्षण किया जाएगा।
- प्रत्येक कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र (जिसके अंतर्गत कैप्टिव और/या सह उत्पादन केन्द्र भी है), वास्तविक उपयोगकर्ता (कर्ताओं) के हित के लिए सीपीसीबी के वेब पोर्टल/मोबाइल फोन एप्प का लिंक उपलब्ध कराकर टीपीपी के पास राख की उपलब्धता के वास्तविक आंकड़े प्रदान करेगा।
- राख के 100% उपयोग का वैधानिक दायित्व, जहां भी लागू हो, कानून में बदलाव के रूप में माना जाएगा।

ख. राख के उपयोग के प्रयोजनार्थ, अनुवर्ती पैराग्राफ लागू होंगे :

11. ऐसे सभी अभिकरण (सरकारी, अर्द्धसरकारी और निजी), जो सड़क विद्युत, सड़क और फ्लाई ओवर के किनारों, तटीय जिलों में तटरेखा की सुरक्षा संरचनाओं और लिग्नाईट/कोयला आधारित टीपीपी से 300 किमी के भीतर बांधों जैसे निर्माण संबंधी कार्यकलापों में लगे हुए हैं, इन कार्यकलापों में अनिवार्य रूप से राख का उपयोग करेंगे, बशर्ते कि इसको परियोजना स्थल पर निशुल्क पहुंचाया जाए और परिवहन लागत, ऐसे कोयला/लिग्नाईट आधारित तापीय विद्युत संयंत्रों द्वारा वहन की जाए। तथापि, यदि टीपीपी अन्य उपायों के माध्यम से राख का निपटान करने में समर्थ है और ये अभिकरण इसके लिए निवेदन करते हैं तो टीपीपी पारस्परिक सहमत हुई शर्तों के अनुसार राख की लागत और परिवहन के लिए शुल्क ले सकता है। यह भी स्पष्ट किया गया है कि बिना लागत और बिना परिवहन शुल्क के राख उपलब्ध कराने का प्रावधान तभी लागू होगा यदि उसके लिए टीपीपी उस निर्माण अभिकरण को नोटिस जारी करता है।
12. उक्त कार्यकलापों में राख का उपयोग भारतीय मानक ब्यूरो, भारतीय रोड कांग्रेस, केन्द्रीय भवन अनुसंधान संस्थान, रूड़की, केन्द्रीय सड़क अनुसंधान संस्थान, दिल्ली, केन्द्रीय लोक निर्माण विभाग, राज्य लोक निर्माण विभागों और अन्य केन्द्रीय और राज्य सरकार के अभिकरणों द्वारा निर्धारित किए गए विनिर्देशों और दिशानिर्देशों के अनुसार किया जाएगा।
13. तापीय विद्युत संयंत्र की 300 किलोमीटर की परिधि के भीतर अवस्थित सभी खानों के लिए विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) के तहत खुली आवर्त खानों में राख का पृष्ठ भंडारण करना/अधिक भार के ढेरों के साथ राख का मिश्रण करना बाध्यकारी होगा। सभी खान के स्वामी/प्रचालक (चाहे सरकारी, सार्वजनिक और निजी क्षेत्र के हो) कोयला या लिग्नाईट आधारित तापीय विद्युत संयंत्रों से 300 (तीन सौ) किलोमीटर (सड़क द्वारा) के भीतर, महानिदेशक, खान सुरक्षा (डीजीएमएस) के दिशानिर्देशों के अनुसार ओवर बर्डन के बाह्य निक्षेप खान की बैकफिलिंग अथवा स्टोर्विंग (प्रचालित या छोड़ी गई खानों, जैसा भी मामला हो) के लिए उपयोग की गई सामग्रियों के भार-दर-भार के आधार पर कम से कम 25% राख को मिश्रित करने के लिए उपाय करेंगे, बशर्ते कि ऐसे तापीय विद्युत केन्द्र निशुल्क राख प्रदान करके और परिवहन की लागत को वहन करके या पारस्परिक सहमत हुई शर्तों पर लिए गए निर्णय के अनुसार लागत/परिवहन व्यवस्था करके राख की अपेक्षित मात्रा की उपलब्धता को सुकर बनायेंगे।
यह भी स्पष्ट किया जाता है कि लागत मुक्त ऐश और निःशुल्क परिवहन का उपबंध केवल तभी लागू होगा यदि टीपीपी इसके लिए खान मालिक को नोटिस देता है। यह भी स्पष्ट किया जाता है कि अधिभार वाले ढेर के साथ मिश्रित करने और खान में खाली स्थान को भरने के लिए ऐश के 25% हिस्से के उपयोग का अधिदेश तब तक लागू नहीं होगा जब तक कि टीपीपी द्वारा खान मालिक को नोटिस न दिया गया हो।
खानों के खाली स्थानों और ढेरों में अधिभार के साथ ऐश को मिश्रित करना, सृजित अधिभार के लिए इस अधिसूचना के प्रकाशन की तिथि से लागू होगा।
उक्त कार्यकलापों में ऐश का उपयोग, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, महानिदेशक, खान सुरक्षा और भारतीय खदान ब्यूरो द्वारा निर्धारित दिशा-निर्देशों के अनुसार किया जाएगा।
14. सभी खान मालिकों को खान में खाली स्थानों में ऐश को समायोजित करने के लिए संशोधित खान बंद योजना (प्रगामी और अंतिम) तैयार करनी होगी। खान में खाली स्थान में ऐश के निपटान और अधिभार वाले ढेर के साथ ऐश को मिश्रित करने के लिए खान योजनाओं को संबंधित प्राधिकारी अनुमोदित करेगा। पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा ताप विद्युत संयंत्रों और कोयला खदानों की पर्यावरणीय मंजूरी में संशोधन की आवश्यकता से छूट देने के साथ-साथ ऐसे निपटान के लिए अपनाए जाने वाले दिशानिर्देशों के संबंध में दिनांक 28 अगस्त, 2019 को दिशानिर्देश जारी किए गए। मंत्रालय, सीपीसीबी, डीजीएमएस और आईएमबी के साथ परामर्श करके, खानों में खाली स्थानों में ऐश के निपटान

करने तथा अधिभार वाले ढेरो में इसे मिश्रित करना सुगम बनाने के लिए समय-समय पर आगे भी दिशानिर्देश जारी कर सकता है। यह खान मालिकों की जिम्मेदारी होगी कि वे ऐसी खानों को अभिज्ञात करने की तिथि से एक वर्ष के भीतर विभिन्न विनियामक प्राधिकरणों द्वारा जारी की गई अनुमतियों में आवश्यक संशोधन/परिवर्तन प्राप्त करेंगे।

15. पर्यावरणीय प्रदूषण के संदर्भ में सुरक्षा, व्यवहार्यता (आर्थिक व्यवहार्यता नहीं) और पहलुओं की जांच सहित ऐश से खान में खाली स्थान को वापस भरने/अधिभार वाले ढेर के साथ ऐश को मिश्रित करने के लिए खानों की पहचान करने के लिए पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, विद्युत मंत्रालय, खान मंत्रालय, कोयला मंत्रालय, महानिदेशक खान सुरक्षा और भारतीय खान ब्यूरो से प्रतिनिधियों को शामिल करते हुए अध्यक्ष, सीपीसीबी की अध्यक्षता में एक समिति का गठन किया जाएगा। यह समिति हितधारक मंत्रालयों/विभागों के लिए अभिज्ञात खानों (भूमिगत और खुली, दोनों) के संबंध में तैयार की गई तिमाही रिपोर्टों को अद्यतन करेगी। यह समिति, इस अधिसूचना के प्रकाशन के तुरंत बाद उपयुक्त खानों की पहचान करना आरंभ करेगी।

ताप विद्युत संयंत्र/खानें, उपरोक्त अनुसार अधिदेशित उपयोग लक्ष्यों को पूरा करने के लिए उपर्युक्त समिति द्वारा पहचान किए जाने तक ऐश के निपटान हेतु प्रतीक्षा नहीं करेंगी।

16. ऐश से निचले क्षेत्र को भरने का कार्य, अनुमोदित परियोजनाओं के लिए राज्य प्रदूषण नियंत्रण बोर्ड की पूर्व अनुमति से और सीपीसीबी द्वारा निर्धारित दिशा-निर्देशों के अनुसार किया जाएगा। राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति द्वारा अनुमोदित स्थलों, अवस्थान, क्षेत्र और अनुमत मात्रा को अपनी वेबसाइट पर प्रतिवर्ष प्रकाशित किया जाएगा।
17. सीपीसीबी, संगत हितधारकों के साथ मिलकर, सीपीसीबी/पीसीसी द्वारा अनुमति प्रदान करने के लिए समयबद्ध ऑनलाइन आवेदन प्रक्रिया प्रस्तुत करने के साथ-साथ इस अधिसूचना के तहत परिकल्पित सभी प्रकार के कार्यकलापों के लिए एक (01) वर्ष के भीतर दिशानिर्देश प्रस्तुत करेगा।
18. कोयला अथवा लिग्नाइट आधारित तापीय ऊर्जा संयंत्र से तीन सौ किलोमीटर के दायरे में स्थित सभी भवन निर्माण परियोजनाएं (केंद्रीय, राज्य और स्थानीय प्राधिकरणों सरकारी उपक्रमों, अन्य सरकारी अभिकरणों तथा सभी निजी अभिकरणों) राख की ईंटों, टाईल्स, धातुमल राख अथवा अन्य राख आधारित उत्पादों का उपयोग करेंगी बशर्ते कि वे वैकल्पिक उत्पादों की कीमत से अधिक कीमत पर उपलब्ध न हों।
19. राख आधारित उत्पादों के विनिर्माण और ऐसे उत्पादों में राख के उपयोग में भारतीय मानक ब्यूरो, भारतीय सड़क कांग्रेस और केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्धारित विनिर्देशों और दिशानिर्देशों की अनुपालना होगी।

ग. गैर-अनुपालन के लिए जुर्माना:

20. तीन वर्ष के चक्र के प्रथम दो वर्षों में, यदि कोयला/लिग्नाइट आधारित तापीय ऊर्जा संयंत्र (कैप्टिव और/अथवा सह-उत्पादक स्टेशनों सहित) ने कम-से-कम 80% राख (फ्लाई-ऐश और बॉटम-ऐश) उपयोग नहीं की है तो ऐसे गैर-अनुपालन तापीय ऊर्जा संयंत्रों पर वार्षिक रिपोर्टों के आधार पर वित्तीय वर्ष के अंत तक अप्रयुक्त राख पर 1000 रुपए प्रति टन की दर से जुर्माना लगाया जाएगा। इसके अतिरिक्त, यदि यह 3 वर्ष के चक्र के तीसरे वर्ष में 100% राख का उपयोग करने में असमर्थ है, तो वह अप्रयुक्त मात्रा पर 1000 रुपए प्रति टन की दर से जुर्माने देय होगा, जिस पर पहले जुर्माना नहीं लगाया गया है।

बशर्ते कि जुर्माने का पैरा क(4) में उल्लिखित विभिन्न उपयोगी श्रेणियों के अनुसार प्रथम अनुपालन चक्र के अंतिम वर्ष के अंत में अनुमान लगाया जाएगा और अधिरोपित किया जाएगा।

21. अधिकारियों द्वारा एकत्रित जुर्माना सीपीसीबी के निर्दिष्ट खाते में जमा किया जाएगा।

22. धरोहर (लैगेसी) राख के मामले में यदि कोयला/लिग्नाइट आधारित तापीय ऊर्जा संयंत्र (कैप्टिव और/अथवा सह-उत्पादक स्टेशनों सहित) ने स्थापित क्षमता पर आधारित उत्पन्न राख का कम-से-कम 20% (प्रथम वर्ष के लिए), 35% (द्वितीय वर्ष के लिए), 50% (तीसरे से दसवें वर्ष तक) उपयोग के बराबर लक्ष्य प्राप्त नहीं किया है तो उस वित्तीय वर्ष के दौरान अप्रयुक्त विरासत (लैगेसी) राख पर 1000 रुपए प्रति टन की दर से जुर्माना लगाया जाएगा। यदि 10 वर्ष के अंत में विरासत राख का उपयोग नहीं किया जाता है तो 1000 रुपए प्रति टन की दर से शेष अप्रयुक्त मात्रा पर जुर्माना लगाया जाएगा जिस पर पहले जुर्माना नहीं लगाया गया।
23. अधिकृत खरीददारों/उपभोक्ता अभिकरणों तक राख भेजने की जिम्मेदारी परिवहकों/वाहन मालिक की जिम्मेदारी है। यदि इसका अनुपालन नहीं किया जाता है, तो अनधिकृत उपयोगकर्ताओं अथवा गैर-अधिकृत उपयोगकर्ताओं को ऐसी मात्रा गलत तरीके से वितरित करने पर 1500 रुपए प्रति टन की दर से जुर्माना लगेगा इसके अतिरिक्त एसपीसीबी/पीसीसी द्वारा गैर अनुपालन कर्ता परिवहकों पर अभियोजन लागू होगा।
24. इस अधिसूचना के पैरा ख में विहित पर्यावरण अनुकूल तरीके में राख के उपयोग की जिम्मेदारी खरीददार/उपभोगकर्ता एजेंसियों की है। ऐसा नहीं करने पर एसपीसीबी/पीसीसी द्वारा 1500 रुपए प्रति टन की दर से जुर्माना लगाया जाएगा।
25. यदि उपयोगकर्ता एजेंसियां पैरा ख के अधीन निर्धारित सीमा तक अथवा पैरा घ (27) के तहत दिए गए नोटिस के माध्यम से सूचित की गई सीमा तक, जो भी कम हो, राख का उपयोग नहीं करती है, वे अतिरिक्त राख की मात्रा का 1500 रुपए प्रति टन की दर से भुगतान करने के लिए उत्तरदायी होंगे।
26. तापीय ऊर्जा संयंत्रों तथा अन्य बकायादारों पर सीपीसीबी द्वारा लगाए जुर्माने का उपयोग अप्रयुक्त राख के सुरक्षित निपटान हेतु किया जाएगा। अनुप्रयुक्त मात्रा पर लगाए गए जुर्माने के बाद भी राख उपयोग की जिम्मेदारी तापीय ऊर्जा संयंत्रों की होगी। यदि बाद के चक्रों में जुर्माना लगाने के बार तापीय ऊर्जा संयंत्र किसी विशेष चक्र के राख के उपयोग के लक्ष्य को प्राप्त करता है तो अगले चक्र के दौरान अप्रयुक्त मात्रा पर एकत्र किए गए जुर्माने में 10% कटौती के बाद उक्त राशि तापीय ऊर्जा संयंत्र को वापस कर दी जाएगी। बाद के चक्रों में राख के उपयोग के मामले में एकत्र किए गए जुर्माने की 20 प्रतिशत, 30 प्रतिशत और उसी क्रम में कटौती की जानी है।

घ. राख/राख आधारित उत्पादों की आपूर्ति हेतु प्रक्रिया :

27. तापीय ऊर्जा संयंत्रों के मालिक अथवा राख की ईटों/टाईल्स/धातुमल आधारित राख के विनिर्माता उन व्यक्तियों/अभिकरणों को लिखित सूचना देंगे जो बिक्री और/या परिवहन के लिए प्रस्तुत राख अथवा राख आधारित उत्पादों के उपयोग के लिए जिम्मेदार हैं।
28. ऐसे व्यक्ति/उपयोगकर्ता एजेंसियां जिन्हें तापीय ऊर्जा संयंत्रों के मालिक द्वारा अथवा राख की ईटों/टाईल्स/धातुमल आधारित राख के उत्पादकों द्वारा नोटिस दिया गया है, यदि वे पहले ही राख/राख उत्पादों के उपयोग के उद्देश्य से अन्य एजेंसियों के साथ जुड़े हुए हैं, यदि वे किसी भी राख/राख उत्पादों का उपयोग नहीं कर सकते हैं अथवा कम मात्रा का उपयोग कर सकते हैं, तदनुसार तापीय ऊर्जा संयंत्र को सूचित करेंगे।

ड. प्रवर्तन, निगरानी, लेखा परीक्षा और संसूचना :

29. प्रावधानों के अनुपालना सुनिश्चित करने के लिए केंद्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) और संबंधित राज्य प्रदूषण नियंत्रण बोर्ड (एसपीसीबी)/प्रदूषण नियंत्रण समिति (पीसीसी), प्रवर्तन और निगरानी प्राधिकरण होंगे। सीपीसीबी/एसपीसीबी/पीसीसी तिमाही आधार पर ऐश के उपयोग की निगरानी करेंगे। सीपीसीबी इस उद्देश्य के लिए अधिसूचना की प्रकाशन तिथि से छः माह के भीतर एक पोर्टल विकसित करेगा। संबंधित जिला अधिकारी के पास इस अधिसूचना के प्रावधानों को लागू करने और निगरानी करने के लिए समवर्ती न्याय अधिकार होगा।

30. टीपीपी ऐश उत्सर्जन और उपयोग से संबंधित मासिक सूचना वेब पोर्टल पर अगले महीने की 5 तारीख तक अपलोड करेगा। कोयला या लिग्नाइट आधारित ताप ऊर्जा संयंत्रों द्वारा केंद्रीय प्रदूषण नियंत्रण बोर्ड, संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति (पीसीसी), केंद्रीय विद्युत प्राधिकरण (सीईए) और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के संबंधित एकीकृत क्षेत्रीय कार्यालयों को इस अधिसूचना के प्रावधानों के अनुपालन संबंधी सूचना उपलब्ध कराते हुए वार्षिक कार्यान्वयन रिपोर्ट प्रत्येक वर्ष (1 अप्रैल से 31 मार्च तक की अवधि के लिए) अप्रैल माह के 30वें दिन तक प्रस्तुत की जाएगी। सीपीसीबी और सीईए द्वारा सभी टीपीपी द्वारा प्रस्तुत वार्षिक रिपोर्टों का समेकन किया जाएगा और उसे पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को 31 मई तक प्रस्तुत किया जाएगा। सभी अन्य उपयोगकर्ता एजेंसियों पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय/एसईआईएए द्वारा जारी पर्यावरणीय मंजूरी अथवा एसपीसीबी/पीसीसी द्वारा जारी संचालन की सहमति (सीटीओ), जो भी लागू हो, की अनुपालना रिपोर्ट में इस अधिसूचना में अधिदेशित अनुसार ऐश के उपभोग/उपयोग/निस्तारण तथा ऐश आधारित उत्पादों के उपयोग संबंधी सूचना प्रस्तुत करेंगे।

सीपीसीबी/राज्य प्रदूषण नियंत्रण बोर्ड/पीसीसी अधिसूचना के प्रावधानों के प्रभावी कार्यान्वयन की समीक्षा करने हेतु तापीय ऊर्जा संयंत्रों के अलावा अन्य सभी एजेंसियों की ऐश उपयोग की वार्षिक रिपोर्ट प्रकाशित करेंगे।

31. इस अधिसूचना के प्रावधानों की निगरानी और कार्यान्वयन के उद्देश्य के लिए सीपीसीबी की अध्यक्षता में एक समिति का गठन किया जाएगा जिसके सदस्य विद्युत मंत्रालय, कोयला मंत्रालय, खनन मंत्रालय, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, सड़क, परिवहन और राजमार्ग मंत्रालय और भारी उद्यम विभाग से होंगे। यह समिति संगत हितधारकों को आमंत्रित कर सकती है। यह समिति इस अधिसूचना के प्रावधानों के प्रभावी और दक्ष कार्यान्वयन के लिए सिफारिशें कर सकती है। यह समिति छः माह में कम से कम एक बार एक बैठक करेगी और वार्षिक कार्यान्वयन रिपोर्टों की समीक्षा करेगी।
32. टीपीपी और ऐश प्रयोक्ताओं/ऐश आधारित उत्पादों के विनिर्माताओं के बीच के विवाद को सुलझाने के उद्देश्य से राज्य सरकारें या संघ राज्य क्षेत्र की सरकारें इस अधिसूचना के प्रकाशन की तिथि से तीन माह के भीतर एसपीसीबी/पीसीसी की अध्यक्षता में एक समिति का गठन करेंगी जिसमें विद्युत विभाग के प्रतिनिधि और एक प्रतिनिधि उस विभाग का होगा, जो विवाद वाली संबंधित अभिकरण का कार्यदेख रहे हैं।
33. सीपीसीबी द्वारा प्राधिकृत लेखा परीक्षकों द्वारा ताप विद्युत संयंत्रों और प्रयोक्ता अभिकरणों द्वारा किए गए ऐश निपटान की अनुपालन लेखा परीक्षा संचालित की जाएगी और प्रत्येक वर्ष 30 नवम्बर तक लेखा परीक्षा की रिपोर्ट सीपीसीबी और संबंधित एसपीसीबी/पीसीसी को प्रस्तुत की जाएगी। सीपीसीबी और संबंधित एसपीसीबी/पीसीसी लेखा परीक्षा की रिपोर्ट प्राप्त होने के पंद्रह दिनों के भीतर अनुपालन न करने वाले टीपीपी के विरुद्ध कार्रवाई प्रारंभ करेंगे।

[फा. सं. एचएसएम-9/1/2019-एचएसएम]

नरेश पाल गंगवार, संयुक्त सचिव

अनुबंध-क

राख अनुपालन रिपोर्ट (1 अप्रैल-31 मार्च की अवधि के लिए) 31 मई को या उससे पहले प्रस्तुत की जाए।

| क्र. सं. | विवरण | |
|----------|--|--|
| 1. | कंपनी का नाम और पावर प्लांट का नाम | |
| 2. | पावर प्लांट की क्षमता (एमडब्ल्यू) | |
| 3. | प्लांट लोड फैक्टर (पीएलएफ) | |
| 4. | कोयले की खपत की मात्रा (एमटीपीए) | |
| 5. | राख उत्पादन की मात्रा (एमटीपीए) | |
| 6 | 1 अप्रैल से पहले लीगेसी राख की मात्रा (एमटीपीए) | |
| 7. | ऐश पॉड का विवरण: (कृपया सभी विवरण स्पष्ट करें, यदि ऐश पॉड की संख्या अधिक है।) क) क्षेत्रफल (हेक्टेयर): ख) आयतन (मि.घन) ग) नियामक (चौड़ाई और लंबाई): (कृपया कम से कम 4 नियामकों का स्पष्ट विवरण दें) | |
| 6 | ऐश पॉड की वर्तमान स्थिति: क) आयतन उपलब्धता (मि.घन) ख) संभावित जीवन (वर्ष): ग) भूमि उद्धार का विवरण: | |
| 7 | प्रयुक्त फ्लाई-ऐश की मात्रा (एमटीपीए): अप्रैल-मार्च के दौरान प्रयुक्त फ्लाई-ऐश: अप्रैल-मार्च के दौरान प्रयुक्त लीगेसी फ्लाई-ऐश | |
| 8. | अप्रयुक्त फ्लाई-ऐश की मात्रा (एमटीपीए): अप्रैल-मार्च के दौरान प्रयुक्त फ्लाई-ऐश: अप्रैल-मार्च के दौरान प्रयुक्त लीगेसी फ्लाई-ऐश कुल अप्रयुक्त शेष | |
| 9. | अधिकृत हस्ताक्षरकर्ता का हस्ताक्षर ईमेल और संपर्क | |

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 22nd April, 2021

G.S.R. 285(E).—Whereas by Notification of the Government of India in the erstwhile Ministry of Environment and Forests vide S.O.763 (E), dated the 14th September, 1999, as amended from time to time, the Central Government, issued directions for restricting the excavation of top soil for manufacturing of bricks and promoting the utilisation of fly ash in the manufacturing of building materials and in construction activity within a specified radius of three hundred kilometres from the coal or lignite based thermal power plants;

And whereas, to implement these Notifications more effectively based on the polluter pays principle (PPP) thereby ensuring 100 % utilisation of fly ash by the coal or lignite based thermal power plants and for the sustainability of the fly ash management system, the Central Government reviewed the existing Notifications; and whereas penalties/fines need to be introduced based on the polluter pays principle;

And whereas, there is a need to conserve top soil by promoting manufacture and mandating use of ash based products and building materials in the construction sector;

And whereas, there is a need to conserve top soil and natural resources by promoting utilisation of ash in road laying, road and flyover embankments, shoreline protection measures, low lying areas of approved projects, backfilling of mines, as an alternative for filling of earthen materials.

And whereas, it is necessary to protect the environment and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land;

And whereas, in the Notification the phrase 'ash', has been used, it includes both fly ash as well as bottom ash generated from Coal or Lignite based Thermal Power Plants;

And whereas, the Central Government intends to bring out a comprehensive framework for ash utilisation including system of fines/penalties based on polluter pays principle;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, and in supersession of the Notification S.O.763 (E), dated the 14th September, 1999 and the subsequent amendments, the Central Government has now proposed a Notification on ash utilisation for the information of the public likely to be affected thereby and notice is hereby given that the said draft Notification will be taken into consideration on or after the expiry of a period of sixty (60) days from the date of publication of the draft in the official Gazette;

The objections or suggestions, which may be received from any person with respect to the said draft Notification within the period specified above, will be taken into consideration by the Central Government;

Objections or suggestions, if any, may be addressed to the Joint Secretary, HSM Division, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi – 110003, and may be sent to e-mail id: moefcc.coalash@gov.in.

Draft Notification**A. Responsibilities of Thermal Power Plants (TPPs) to dispose fly ash and bottom ash:**

1. Every coal or lignite based thermal power plant (including captive and / or co-generating stations) shall be primarily responsible to ensure 100% utilisation of ash (fly ash, and bottom ash) generated by it in an eco-friendly manner as given in para below.
2. The ash generated from coal or lignite based Thermal Power Plants (TPP) shall be utilised only for the following eco-friendly purposes:
 - i. Manufacturing of brick /blocks/tiles;
 - ii. Cement manufacturing, ready mix concrete;
 - iii. Construction of road and fly over embankment, Ash and Geo-polymer based construction material;
 - iv. Construction of dam;
 - v. Filling up of low lying area;
 - vi. Filling of mine voids;
 - vii. Manufacturing of sintered/ cold bonded ash aggregate;

- viii. Agriculture in a controlled manner based on soil testing;
 - ix. Construction of shoreline protection structures in coastal districts;
 - x. Export of ash to other countries;
 - xi. Any other eco-friendly purpose as notified from time to time.
3. A committee shall be constituted under the chairmanship of Chairman, Central Pollution Control Board (CPCB) and having representatives from Ministry of Environment, Forest and Climate Change (MoEF&CC), Ministry of Power, Ministry of Mines, Ministry of Coal, Ministry of Road Transport and Highways, Dept. of Agricultural Research & Education, Institute of Road Congress, National Council for Cement and Building Materials, to examine and review and recommend the eco-friendly ways of utilisation of ash and make inclusion/ exclusion/modification in the list of such ways as mentioned in Para A(2) based on technological developments and requests received from stakeholders. The committee may invite SPCB/PCC, operators of Thermal Power Plants & mines and other stakeholders as and when required for this purpose. Based on the recommendations of the Committee, MoEF&CC may publish such eco-friendly purpose.
4. Every coal/lignite based thermal power plant shall be responsible to utilise 100% ash (fly ash and bottom ash) generated during that year. However, in no case shall utilisation fall below 80 % in any year. Also, it should achieve average ash utilisation of 100% in a 3 year cycle.

Provided the three year cycle applicable for the first time is extendable by one year for the Thermal Power Plants where ash utilisation is in the range of 60-80%, and two years where ash utilisation is below 60%. For the calculation of percentage of ash utilisation, the percentage quantity of utilisation in the year 2021-22 shall be taken into account. The same has been detailed in the table below:

| Utilisation percentages of Thermal Power Plants | First compliance Cycle to meet 100% utilisation | Second compliance cycle onwards, to meet 100% utilisation |
|---|---|---|
| >80% | 3 years | 3 years |
| 60-80% | 4 years | 3 years |
| <60% | 5 years | 3 years |

Provided the minimum utilisation percentage of 80% is not applicable to the first year and first two years of the first compliance cycle for the TPPs under the utilisation category of 60-80% and <60%, respectively.

Provided 20% of ash generated in the final year of compliance cycle may be carried forward to the next cycle which shall be utilised in the next 3 year cycle along with the ash generated during that cycle.

5. Unutilized accumulated ash i.e. legacy ash, which is stored before the publication of this Notification, shall be utilized progressively by the TPPs in such a manner that the utilization of legacy ash shall be completed fully within 10 years from the date of publication of this Notification. This would be over and above the utilisation targets prescribed for ash generation through current operations of that particular year.

Provided the minimum quantity of legacy ash in percentages as mentioned below shall be utilised during the corresponding year. The minimum quantity of legacy ash is to be calculated based on the annual ash generation as per installed capacity of TPP.

| Year from date of publication | 1 st | 2 nd | 3 rd -10 th |
|---|-----------------|-----------------|-----------------------------------|
| Utilisation of legacy ash (in percentage of Annual ash) | At least 20% | At least 35% | At least 50% |

Provided the legacy ash utilisation is not required where ash pond/dyke has stabilised and the reclamation has taken place with greenbelt/plantation. Concerned State Pollution Control Board shall certify in this regard. Stabilisation and reclamation of an ash pond/dyke including certification by CPCB/SPCB shall be carried out within a year from the date of publication of this Notification. The ash remaining in all other ash ponds/dykes shall be utilised in progressive manner as per the above mentioned timelines.

The obligations under Para A(4) and A(5) above for achieving the ash utilisation targets shall be applicable from 1st April, 2022.

6. Any new Thermal Power Plant may be permitted an emergency/temporary ash pond with an area of 0.1 hectare per MW. Technical specifications of ash ponds/dykes will be as per the guidelines of CPCB made in consultation with Central Electricity Authority (CEA). These guidelines shall also prescribe a procedure for

annual certification of the ash pond/dyke on its safety, environmental pollution, available volume, mode of disposal, water consumption/conservation in disposal, ash water recycling and greenbelt, etc., and shall be put in place within 3 months from the date of publication of the notification.

7. Every coal or lignite based thermal power plant shall ensure that loading, unloading, transport, storage and disposal of ash is done in an environmentally sound manner and that all precautions to prevent air and water pollution are taken. Status in this regard shall be reported to the concerned State Pollution Control Board (SPCB)/Pollution Control Committee (PCC) in Form A.
8. Every coal or lignite based thermal power plant shall install dedicated dry fly ash silos for storage of at least 16 hours of ash based on installed capacity, having separate access roads so as to ease the delivery of ash. It shall be reported upon to the concerned SPCB/PCC in the Form A and shall be inspected by CPCB/SPCBs from time to time.
9. Every coal or lignite based thermal power plant (including captive and or co-generating stations) shall provide real time data of availability of ash with TPP, by providing link to CPCB's web portal/ mobile phone App for the benefit of actual user(s).
10. Statutory obligation of 100% utilisation of ash shall be treated as a change in law, wherever applicable.

B. For the purpose of utilisation of ash, the subsequent paras shall apply:

11. All agencies (Government, Semi Government and Private) engaged in construction activities such as road laying, road and flyover embankments, shoreline protection structures in coastal districts and dams within 300 km from the lignite/coal based TPPs shall mandatorily utilise ash in these activities, provided it is delivered at the project site free of cost and transportation cost is borne by such coal/lignite based thermal power plants. However, TPP may charge for ash cost and transportation as per mutually agreed terms, in case TPP is able to dispose the ash through other means and those agencies makes a request for it. It is also clarified that provision of ash free of cost and free transportation would only be applicable, if TPP serves a notice on the construction agency for the same.
12. The utilisation of ash in the said activities shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Road Congress, Central Building Research Institute, Roorkee, Central Road Research Institute, Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government Agencies.
13. It shall be obligatory on all mines located within 300 kilometres radius of TPP, to undertake backfilling of ash in mine voids/mixing of ash with external Overburden dumps, under Extended Producer Responsibility (EPR). All mine owners/operators (Government, Public and Private Sector) within 300 (three hundred) kilometres (by road) from coal or lignite based thermal power plants, shall undertake measures to mix at least 25% of ash on weight to weight basis of the materials used for external dump of overburden, backfilling or stowing of mine (running or abandoned as case may be) as per guidelines of the Director General of Mines Safety (DGMS), provided that such thermal power stations shall facilitate the availability of required quantity of ash by delivering ash free of cost and bearing the cost of transportation or cost/transportation arrangement decided on mutually agreed terms.

It is also clarified that provision of ash free of cost and free transportation would only be applicable, if TPPs serve a notice on the mine owner for the same. It is also made clear that mandate of using 25% of ash for mixing with overburden dump and filling up of mine voids would not be applicable unless a notice is served on the mine owner by TPP.

Mixing of ash with overburden in mine voids and dumps shall be applicable for the overburden generated from the date of publication of this notification.

The utilisation of ash in the said activities shall be carried out in accordance with guidelines laid down by the Central Pollution Control Board, Director General of Mines Safety and Indian Bureau of Mines.

14. All mine owners shall get mine closure plans (progressive and final) amended to accommodate ash in the mine voids. Concerned authority shall approve mine plans for disposal of ash in mine voids and mixing of ash with overburden dumps. The MoEF&CC issued guidelines on 28th August, 2019 regarding exemption of requirement of amendment in Environmental Clearance of Thermal Power Plants and Coal mines along with the guidelines to be followed for such disposal. The Ministry in consultation with CPCB, DGMS & IBM may issue further guidelines time to time to facilitate ash disposal in mine voids and mixing with overburden dumps. It shall be the responsibility of mine owners to get the necessary amendments/modifications in the permissions issued by various regulatory authorities within one year from the date of identification of such mines.

15. There shall be a committee headed by Chairperson, CPCB with representatives from MoEF&CC, Ministry of Power, Ministry of Mines, Ministry of Coal, Director General of Mine Safety and Indian Bureau of Mines for identification of mines for backfilling of mine voids with ash/ mixing of ash with overburden dump including examination of safety, feasibility (not economic feasibility) and aspects of environmental contamination. This committee shall get updated quarterly reports prepared regarding identified mines (both underground and opencast) for the stakeholder Ministries/Departments. The committee shall start identifying the suitable mines immediately after the publication of this notification.

Thermal Power Plants/ Mines shall not wait for disposal of ash till the identification is done by the above mentioned committee, to meet the utilisation targets mandated as above.

16. Filling of low lying areas with ash shall be carried out with prior permission of State Pollution Control Board for approved projects, and in accordance with guidelines laid down by CPCB. State Pollution Control Board/PCC shall publish approved sites, location, area and permitted quantity annually on its website.
17. CPCB after engaging relevant stakeholders, shall put in place the guidelines within 01 year for all types of activities envisaged under this notification including putting in place time bound online application process for the grant permission by SPCBs/PCCs.
18. All building construction projects (Central, State & Local authorities, Govt. undertakings, other Govt. agencies and all private agencies) located within a radius of three hundred kilometres from a coal or lignite based thermal power plant shall use ash bricks, tiles, sintered ash aggregate or other ash based products, provided these are made available at prices not higher than the price of alternative products.
19. Manufacturing of ash based products and use of ash in such products shall be in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Road Congress, and Central Pollution Control Board.

C. Fines for non-compliance:

20. In the first two years of a three year cycle, if the coal/ lignite based thermal power plant (including captive and/or co-generating stations) has not achieved at least 80 % ash (fly ash and bottom ash) utilisation, then such non-compliant TPPs shall be imposed with a fine of Rs. 1000 per ton on unutilised ash during the end of financial year based on the annual reports submitted. Further, if it is unable to utilise 100% of ash in the third year of the 3 year cycle, it would be liable to pay a fine of Rs. 1000 per ton on the unutilised quantity on which fine has not been imposed earlier.

Provided the fine shall be estimated and imposed at the end of last year of the first compliance cycle as per the various utilisation categories at mentioned in Para A(4).

21. Fine collected by the authorities shall be deposited in the designated account of CPCB.
22. In case of legacy ash, if the coal/ lignite based thermal power plant (including captive and/or co-generating stations) has not achieved utilisation equivalent to at least 20% (for the first year), 35% (for the second year), 50% (for third to tenth year) of ash generated based on installed capacity, a fine of Rs. 1000 per ton of unutilised legacy ash during that financial year will be imposed. If the utilization of legacy ash is not completed at the end of 10 years, a fine of Rs.1000 per ton will be imposed on the remaining unutilised quantity which has not been fined earlier.
23. It is the responsibility of the transporters/vehicle owner to deliver ash to authorised purchaser/user agency. If it is not complied, then a fine of Rs. 1500 per ton on such quantity as mis-delivered to unauthorised users or non- delivered to authorised users will be imposed besides prosecution of such non-compliant transporters by SPCB/PCC.
24. It is the responsibility of the purchasers/user agencies to utilise ash in an eco-friendly manner as prescribed at para B of this Notification. If it is not complied, then a fine of Rs. 1500 / per ton shall be imposed by SPCB/PCC.
25. If the user agencies do not utilise ash to the extent obligated under para B or the extent to which they have been intimated through Notice(s) served under Para D(27) whichever is lower, they would be liable to pay Rs. 1500 per ton of ash for the quantity they fall short off.
26. The fine collected by CPCB from the TPPs and other defaulters shall be used towards the safe disposal of the unutilised ash. The liability of ash utilisation shall be with TPPs even after imposition of fines on unutilised quantities. In case TPP achieves the ash utilisation of any particular cycle after imposition of fine in subsequent cycles, the said amount shall be returned to TPP after deducting 10% of the fine collected on the unutilised quantity during the next cycle. Deduction of 20%, 30%, and so on, of the fine collected is to be made in case of utilisation of ash in subsequent cycles.

D. Procedure for supply of ash/ ash based products:

27. The owner of TPPs or manufacturers of ash bricks/tiles/ sintered ash aggregate shall serve written Notice to persons/agencies who are liable to utilise ash or ash based products, offering for sale, and/ or transport.
28. Persons/ user agencies who have been served Notices by owner of TPPs or manufacturers of ash bricks/tiles/ sintered ash aggregate, if they have already tied up with other agencies for the purpose of utilisation of ash / ash products, shall inform the thermal power plant accordingly, if they cannot use any ash / ash products or use reduced quantity.

E. Enforcement, Monitoring, Audit and Reporting:

29. The Central Pollution Control Board (CPCB) and the concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC) shall be the enforcing and monitoring authority for ensuring compliance of the provisions. CPCB/SPCB/PCC shall monitor the utilisation of ash on quarterly basis. CPCB shall develop a portal for the purpose within six months of date of publication of the notification. The concerned District Magistrate shall have concurrent jurisdiction for enforcement and monitoring of the provisions of this Notification.
30. TPPs shall upload monthly information regarding ash generation and utilisation by 5th of the next month on the web portal. Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Pollution Control Committee (PCC), Central Electricity Authority (CEA), and concerned Integrated Regional Office of MoEF&CC by the coal or lignite based thermal power plants. CPCB and CEA shall compile the annual reports submitted by all the TPPs and submit to MoEF&CC by 31st May. All other user agencies shall submit consumption/utilisation/disposal of ash and use of ash based products as mandated in this Notification in the compliance report of Environmental Clearance (EC) issued by MoEF&CC/SEIAA or Consent to Operate (CTO) issued by SPCB/PCC, whichever is applicable.

CPCB/State Pollution Control Board/PCC shall publish annual report of ash utilisation of all other agencies except Thermal Power Plants to review the effective implementation of the provisions of the notification.
31. For the purpose of monitoring the implementation of the provisions of this notification, a committee shall be constituted under Chairperson, CPCB, with members from Ministry of Power, Ministry of Coal, Ministry of Mines, MoEF&CC, Ministry Road Transportation & Highways and Department of Heavy Industry. The committee may invite relevant stakeholders. The committee may make recommendations for effective and efficient implementation of the provisions of the notification. The committee shall meet at least once in six months and review annual implementation reports.
32. For the purpose of resolving disputes between TPPs and users of ash/ manufacturer of ash based products, the State Governments or Union Territory Governments shall constitute a Committee within three months from the date of publication of this notification under the Chairman, SPCB/PCC with representatives from Department of Power, and one representative from the Department which deals with the subject of concerned agency with which dispute is made.
33. Compliance audit for ash disposal by the Thermal Power Plants and the user agency shall be conducted by auditors, authorised by CPCB and audit report shall be submitted to CPCB and concerned SPCB/PCC by 30th November every year. CPCB and concerned SPCB/PCC shall initiate action against non-compliant TPPs within 15 days of receipt of audit report.

[F. No. HSM-9/1/2019-HSM]

NARESH PAL GANGWAR, Jt. Secy.

Annexure-A

Ash Compliance Report (for the period 1st April-31st March) to be submitted on or before 31st May.

| Sl.No. | Details | |
|--------|---|--|
| 1. | Company Name and Power Plant Address: | |
| 2. | Power Plant Capacity (MW): | |
| 3. | Plant Load Factor (PLF): | |
| 4. | Quantity of coal consumption (MTPA): | |
| 5. | Quantity of ash generation (MTPA): | |
| 6 | Quantity of Legacy Ash before 1 st April (MTPA): | |
| 7. | Ash pond details: (pls specify all, if number of ash ponds is more) a) area (hectares): b) volume (m ³) : c) co-ordinates (Lat & Long): (pls specify minimum 4 co-ordinates) | |
| 6 | Present Status of ash pond: a) Volume availability (m3), b) expected life (years): c) Details of Reclamation: | |
| 7 | Quantity of Flyash Utilised (MTPA): Flyash utilised during the April-March: Legacy Flyash utilised during April-March: | |
| 8. | Quantity of flyash unutilised (MTPA): Flyash utilised during the April-March: Legacy Flyash utilised during April-March: Total balance unutilised: | |
| 9. | Signature of Authorised Signatory E-mail & Contact: | |

**Annexure II:
Notice issued by the CECB**



सूचना का अधिकार
अधिनियम 2005 के अंतर्गत

REGIONAL OFFICE,
C.G. ENVIRONMENT CONSERVATION BOARD,
VYAPAR VIHAR, NEAR PT. DEEN DAYAL UPADHYAY PARK, BILASPUR (C.G.)

E-mail: cecb.robilaspur@gmail.com, Ph. No. 07752-261172

No. 2306
To,

/R.O./T.S./C.E.C.B./2018

Bilaspur, dated: 06/08/2018

Shri Jaydev Chakravarti,
Executive Vice President,
M/s D. B. Power Limited,
Village-Badadaraha, Tehsil-Dabhara,
District-Janjgir-Champa (C.G.)

Sub :- Direction under section 33 'A' of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31 'A' of the Air (Prevention & Control of Pollution) Act, 1981 Notice thereof.

- Ref :-
1. Consent of the Board for Coal Based Thermal Power Plant for Unit No. -1 (1X600MW) issued under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 vide letter dated 03/10/2013.
 2. Consent of the Board for Coal Based Thermal Power Plant for Unit No. -2 (1X600MW) issued under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 vide letter dated 02/08/2014.
 3. Last renewal of Consent of the Board for Coal Based Thermal Power Plant for Unit No. 1 and 2 (2X600MW) issued under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 vide letter dated 23/12/2017.
 4. Complain received from Shri Rupan Dhirhe and other residents of Village-Tundri, Tehsil-Dabhara, District-Janjgir-Champa vide letter dated 01/08/2018.
 5. Inspection of your industry by board officials on dated 03/08/2018.

Whereas, the Chhattisgarh Environment Conservation Board has granted Consent to Operate and subsequent renewals for Coal Based Thermal Power Plant of capacity-2x600 MW to M/s D.B. Power Limited, Village-Badadaraha, Tehsil-Dabhara, District-Janjgir-Champa (C.G.) (herein after referred as company) vide letter mentioned at reference-1 2 & 3, subject to fulfillment of the terms and conditions mentioned therein.

.... 2...

Whereas, you are in-charge of and responsible for company for the conduct of business of the company. You have control over the affairs of the company, the factory premises and in relation to any substance belonging to 2x600 MW coal based thermal power plant of the company.

Whereas, it is mandatory to comply with the conditions stipulated in the consent and subsequent renewals thereof.

Whereas, several complains have been received regarding unauthorized/illegal disposal of fly ash by your industry.

Whereas, inspite of repeated directions/orders given by the office, no any effective measures have been adopted by the industry for proper disposal of fly ash.

Whereas, the officials of the Regional Office, Chhattisgarh Environment Conservation Board, Bilaspur has inspected your plant on dated 03/08/2018 with reference to the complain received vide reference no. 04. During the inspection following anomalies have been observed:-

- a) Huge amount of fly ash has been found dumped in village-Tundri near your plant without prior permission from the competent authorities/departments leading to air and water pollution in nearby areas.
- b) Adequate measures have also not been adopted while dumping fly ash on the above mentioned land.
- c) The industry is being violating the fly ash utilization notification 2009, as amended.

After careful examination of the documents, facts and observation made by Regional Office, Chhattisgarh Environment conservation Board, Bilaspur and in exercise of powers conferred upon under section 33 'A' of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31 'A' of the Air (Prevention and Control of Pollution) Act, 1981, the Board proposes to direct you as follows: -

1. Industry shall obtain valid permission from the competent authorities/departments for disposal of fly ash.
2. Industry shall either remove fly ash dumped in above mentioned land or adopt suitable measures such as using earth cover etc. over the dumped fly ash.
3. Industry shall take the cognizance of the above and illegal disposal of fly ash shall not be done in future.

You are hereby given an opportunity of 15 days from the date of receipt of this notice to file objections if any, to the above mentioned Notice. In case no reply is received within the stipulated time period, the direction will be confirmed without any further reference to you.

In case you fail to comply with the direction, you are liable for action inter-alia under section 41 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 37 of the Air (Prevention and Control of Pollution) Act, 1981.

For and on behalf of
C.G. Env. Conservation Board,

Anil Kumar
REGIONAL OFFICER

C.G. Env. Conservation Board

Bilaspur, dated : 06/08/2018

Entd. No. 2307 /R.O./T.S./ C.E.C.B./ 2018

Copy to :

1. The Secretary, Department of Housing & Environment, Govt. of C.G., Mantralaya, Mahanadi Bhawan, Naya Raipur for favor of information please.
2. The Secretary, Department of Energy, Govt. of C.G., Mantralaya, Mahanadi Bhawan, Naya Raipur for favor of information please.
3. The Member Secretary, Head Office, Chhattisgarh Environment Conservation Board, Paryawas Bhawan, North Block, Sector-19, Naya Raipur for favor of information please.
4. The Managing Director, Chhattisgarh State Power Distribution Company Ltd., Raipur for favor of information please.
5. The Collector, Office of the Collector, District-Janjgir-Champa (C.G.) for favor of information please.
6. The Chief Electrical Inspector, Government of Chhattisgarh, Raipur for favor of information please.
7. The Chief Engineer, Chhattisgarh State Power Distribution Company Limited, Tifra, Bilaspur (C.G.) for favor of information please.
8. The Superintending Engineer (O/M), Chhattisgarh State Power Distribution Company Limited, Kera Road Janjgir, District-Janjgir-Champa (C.G.) for favor of information please.
9. The Executive Engineer (Electrical Safety) & Divisional Electrical Inspector, C. G. Govt. Bilaspur Division, Tulja Bhawani Mandir Road, Near Home Guard Campus, Kududand, Bilaspur (C.G.) for favor of information please.
10. Occupier, M/s D.B. Power Limited, Village-Badadaraha, Tehsil-Dabhara, District-Janjgir-Champa (C.G.) for necessary action.

Anil Kumar
REGIONAL OFFICER
C.G. Env. Conservation Board
Bilaspur

**Annexure III:
Site inspection report of the CECB**

| | | |
|----|-----------------------|--|
| | | के अंदर रेल्वे साईडिंग, ब्रिक्स प्लांट एवं गुडेली माइंस में नियमानुसार डिसपोजल किया जाता है। विस्तृत जानकारी संलग्न-3 (माह-सितम्बर 2019) में अवलोकनार्थ दर्ज है। |
| 13 | वृक्षारोपण की जानकारी | वर्तमान में उद्योग परिसर में लगभग 211 एकड़ भूमि पर लगभग 2,21,000 नग वृक्षारोपण किया जाना बताया गया है। वृक्षारोपण में जामुन, शीशम, आम, अमरुद, कटहल, महुआ एवं अन्य स्थानीय प्रजातियों के पौधे रोपित किये गये हैं। पौधों का जीवित दर 80 प्रतिशत बताया गया है। |
| 14 | पाई गई स्थिति | <ol style="list-style-type: none"> 1. उद्योग उत्पादनरत पाया गया। यूनिट 01 (555 मेगावॉट) संचालित था। 2. दो नग एश पौंड है जिसका कुल एरिया 100 एकड़ है। 18 प्रतिशत फलाई एश लीन स्लरी के रूप में एश पौंड में जाता है। 3. उद्योग में चार सायलो है, प्रत्येक की क्षमता-1600 टन है। 4. चंद्रपुर जिला-जांजगीर-चांपा स्थित महानदी जिराकी दूरी लगभग 27 कि.मी. है, से पाईप लाईन द्वारा उद्योग में जल की आपूर्ति की जाती है। 5. मंडल मुख्यालय नवा रायपुर का पत्र क्रमांक 5375 दिनांक 24.09.2019 6. मंडल मुख्यालय नवा रायपुर का पत्र क्रमांक 5374 दिनांक 24.09.2019 <p>उपरोक्त के परिप्रेक्ष्य में दिनांक 03 एवं 04.10.2019 को स्थल का निरीक्षण किया गया। निरीक्षण समय पाई गई स्थिति :-</p> <p>ग्राम-सरईपाली :- निरीक्षण के समय श्री अरूण बेरागी, उपसरपंच द्वारा बताया गया कि लगभग 03 वर्ष पूर्व नवीन ग्राम पंचायत भवन तथा आम के बगीचा के पास गढ़दे को भरने के लिए राखड़ पटवायी गयी थी, जिस पर मिट्टी बिछा दी गई है। राखड़ पटाने से सहूलियत हुई है। कोई आपत्ति नहीं है। आस-पास के खेत में फलाई ऐश नहीं जाता। खेत हरा-भरा है। पंचनामा की प्रति संलग्न (संलग्नक-4) है। निरीक्षण के समय फलाई ऐश डंप स्थल का समतलीकरण कर मिट्टी की परत बिछाया जाना पाया गया।</p> <p>ग्राम-दूंडी :- दिनांक 04.10.2019 को ग्राम दूंडी में फलाई ऐश डंप किये गये स्थल का निरीक्षण किया गया। निरीक्षण समय जमीन मालिक श्री केशव प्रसाद साहू उपस्थित थे। इन्होंने बताया कि मैं अपनी मर्जी से डी. बी. पॉवर उद्योग से फलाई ऐश जमीन के गढ़दे को भरने के लिए डलवाया था। उसका समतलीकरण कर मिट्टी डाली गई है। यहां कोई भी मवेशी नहीं फंसा था। मैं जमीन समतलीकरण होने से संतुष्ट हूँ। मेरे द्वारा कभी शिकायत नहीं की गई है ना ही की जायेगी। पंचनामा की प्रति संलग्न (संलग्नक-5) है। निरीक्षण समय फलाई ऐश डंप स्थल का समतलीकरण कर मिट्टी की परत बिछाया जाना पाया गया।</p> <p>ग्राम-केनापाली :- दिनांक 03.10.2019 को ग्राम केनापाली के निस्तारी तालाब तथा तालाब के सामने का खेत का निरीक्षण किया गया। निरीक्षण समय देखा गया कि खेत में घान</p> |

Annexure IV: Map of Korba

Annexure V:
**Complaint letter sent to the CECB for fly ash
dumping and consequent site inspection report**

प्रति,

दिनांक: 12/09/2017

सदस्य सचिव

राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण

रायपुर (छ.ग.)

विषय: ACB (India) लिमिटेड की 270 MW पॉवर प्लांट द्वारा पर्यावरणीय स्वीकृति की नियम एवं शर्त क्रमांक IV का उल्लंघन कर किये जा रहे जल प्रदूषण पर तत्काल कार्यवाही बाबत।

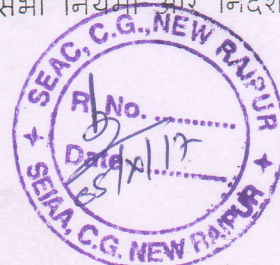
महोदय,

आपको ज्ञात होगा की कोरबा जिला के कटघोरा तहसील अंतर्गत ग्राम कसईपाली में ACB (India) लिमिटेड की 270 MW वाशेरी रिजेक्टर/कोल आधारित थर्मल पॉवर प्लांट स्थित है। इस पॉवर प्लांट से फ्लाई ऐश युक्त गन्दा पानी लगातार पास के एक प्राकृतिक नाले (सलिहा नाला) में छोड़ा जा रहा है जिससे नाले में फ्लाई ऐश की मोटी परत जमा हो गई है (संलग्न 1)। कसईपाली ग्राम के कुछ लोगों के मवेशी भी इस नाले के तल में जमे राखड़ के दल दल में फंस चुके हैं, जिन्हें बहुत मुश्किल से बचाया गया। ग्रामीणों के निस्तार का भी यह एक महत्वपूर्ण जल स्रोत हैं जिसके पानी का उपयोग कृषि तथा दैनिक कार्यकलापों के लिए किया जाता है।

आप जानते हैं कि फ्लाई ऐश से होने वाले पर्यावरणीय प्रदूषण के गंभीर दुष्प्रभाव आस पास के जन जीवन पर पड़ता है, विशेष रूप से मानव स्वास्थ्य पर। चिंताजनक स्थिति यह है कि कंपनी द्वारा यह जानते हुए भी, फ्लाई ऐश का सही व नियमानुसार निपटान नहीं किया जा रहा है। गन्दा पानी बिना किसी उपचार के लगातार कंपनी की बाउंड्री वाल के नीचे से नाले में बहाया जा रहा है। (संलग्न 2)

यहाँ महत्वपूर्ण तथ्य यह है कि अनुविभागीय अधिकारी, जल संसाधन उप संभाग क्र. - 1, कटघोरा द्वारा इस पॉवर प्लांट के निरीक्षण के दौरान भी फ्लाई ऐश से नाले में प्रदूषण की पुष्टि की गई है और कंपनी को दिनांक 19/06/2017 को नोटिस भी जारी की गई है (संलग्न 3)। नोटिस के बावजूद भी कंपनी लगातार नियमों की अनदेखी कर अपनी मनमानी करते हुए आज दिनांक तक फ्लाई ऐश युक्त गन्दा पानी नाले में बहा रही हैं।

छत्तीसगढ़ स्टेट लेवल एनवायरनमेंट इम्पैक्ट असेसमेंट अथॉरिटी, रायपुर द्वारा दिनांक 22/12/2008 को कंपनी को जारी की गई पर्यावरणीय स्वीकृति (संलग्न 3) की नियम एवं शर्त क्रमांक IV में निहित प्रावधान के अनुसार औद्योगिक गतिविधियों साथ ही ऐश डाइक से किसी भी प्रकार का दूषित जल किसी भी स्थिति में किसी नदी या अन्य जल स्रोत में नहीं डाला जाना चाहिए तथा इस प्रकार के जल को सही तरीके से उपचार कर पुनः उपयोग में लाया जाना चाहिए। साथ ही जीरो डिस्चार्ज की अवधारणा का पालन होना चाहिए। कंपनी उपरोक्त सभी नियमों और निर्देशों की अवमानना कर



लगातार दूषित जल बहा रहा है यह जानते हुए भी कि पॉवर प्लांट संचालन हेतु जल आपूर्ति का एक मुख्य स्रोत यह नाला भी है।

अतः हमारा आपसे विनम्र निवेदन है कि इस समस्या को तत्काल संज्ञान में लेते हुए जल प्रदूषण की रोकथाम हेतु शीघ्र कार्यवाही की जाये एवं कम्पनी से जुर्माना वसूला जाये। यह भी सुनिश्चित किया जाए कि कंपनी फ्लाई ऐश का निपटान राज्य तथा केन्द्रीय प्रदूषण नियंत्रण बोर्ड / पर्यावरण एवं वन मंत्रालय द्वारा जारी अधिसूचनाओं के तहत करे।

शीघ्र कार्यवाही की अपेक्षा में, धन्यवाद।

प्रतिलिपि: क्षेत्रीय कार्यालय, छत्तीसगढ़ राज्य पर्यावरण संरक्षण मण्डल, कोरबा

भवदीय

| क्रम | नाम | गांव | कीन | हस्ताक्षर |
|------|--------------|---------|------------|-----------|
| 1 | दुर्गा | कसईपाली | | दुर्गा |
| 2 | सुरीला बर्हि | देवरी | | |
| 3 | आनंद उंबर | देवरी | | |
| 4 | चंदन बर्हि | देवरी | | |
| 5 | सुमनबिया | देवरी | | |
| 6 | पूजा बर्हि | देवरी | | सुमनबिया |
| 7 | वंदा बर्हि | देवरी | | पूजा |
| 8 | राज बर्हि | देवरी | 8462832459 | |
| 9 | उत्तराबाई | कसईपाली | 7879979572 | राजबाई |
| 10 | शान्तिबाई | कसईपाली | | उत्तराबाई |
| 11 | महेतारेन | देवरी | | शान्ति |
| 12 | कलीशिया | देवरी | | महेतारेन |
| | | | | कलीशिया |



छत्तीसगढ़ पर्यावरण संरक्षण मंडल

पर्यावास भवन, नार्थ ब्लॉक, सेक्टर - 19,
अटल नगर, रायपुर (छ.ग.) 492002

प्रति,

सदस्य सचिव,
छत्तीसगढ़ पर्यावरण संरक्षण मंडल,
अटल नगर, रायपुर (छ.ग.)

विषय :- ग्रामवासी कसईपाली, तहसील-कटघोरा, जिला-कोरबा के ग्राम-कसईपाली में मेसर्स ए.सी.बी. (इंडिया) लिमिटेड के धर्मल पॉवर प्लांट एवं कोल वॉशरी के शिकायत के संबंध में।

संदर्भ :- 1. राज्य स्तर विशेषज्ञ अंकन समिति, छत्तीसगढ़ का पत्र क्रमांक 343, दिनांक 07/12/2019.
2. मंडल द्वारा अधोहस्ताक्षरकर्ता को दिये गये निर्देश दिनांक 20/12/2018.

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उपरोक्त विषयान्तर्गत संदर्भित शिकायत के परिपेक्ष्य में अधोहस्ताक्षरकर्ता द्वारा दिनांक 18/03/2019 को उद्योग के ग्राम-कसईपाली एवं चाकाबुड़ा के पॉवर प्लांट एवं कोल वॉशरी इकाईयों का निरीक्षण किया गया। विवरण निम्नानुसार है :-

1. मेसर्स ए.सी.बी. (इंडिया) लिमिटेड, ग्राम-कसईपाली, तहसील-कटघोरा, जिला-कोरबा -

उद्योग एक रिजेक्ट कोल आधारित विद्युत उत्पादन इकाई है। उद्योग की कुल उत्पादन क्षमता 270 मेगावॉट है, जिसके अन्तर्गत 135 मेगावॉट क्षमता की 02 इकाईयाँ स्थापित हैं। निरीक्षण दिवस 18/03/2019 को श्री संजय मालवीय, वरिष्ठ महाप्रबंधक, श्री प्रभात चौधरी, अतिरिक्त महाप्रबंधक, श्री सचेन्द्र शुक्ला, सहायक प्रबंधक (पर्यावरण) तथा श्री ए.के. त्रिवेदी, मुख्य रसायन, छत्तीसगढ़ पर्यावरण संरक्षण मंडल उपस्थित थे। उद्योग द्वारा वॉशरी रिजेक्ट कोल मात्रा लगभग 6000 टन/दिन का उपयोग किया जाता है। जिससे प्लाई ऐश लगभग 2500 टन/दिन एवं बाटम ऐश लगभग 500 टन/दिन उत्पन्न होता है। उद्योग द्वारा वायु प्रदूषण नियंत्रण हेतु दोनों इकाईयों में पृथक-पृथक इलेक्ट्रोस्टैटिक प्रेसीपिटेटर (ई.एस.पी.) की स्थापना की गई है। उद्योग में स्थापित चिमनी की उंचाई लगभग 135 मीटर है। उद्योग द्वारा चिमनी में ऑनलाईन स्टेक मॉनिटरिंग सिस्टम की स्थापना की गई है। साथ ही कंटीन्युअस एम्बियेंट एयर क्वालिटी मॉनिटरिंग सिस्टम की स्थापना भी की गई है। उद्योग द्वारा उत्पन्न राखड़ को सॉयलो में एकत्रित किया जाकर उद्योग परिसर से लगभग 02 कि.मी. की दूरी पर स्थित राखड़ बंध में हाई कन्संट्रेशन स्लरी डिस्पोजल सिस्टम के माध्यम से अपवहन किया जाता है। उद्योग के आंतरिक मार्ग पक्के हैं। प्रक्रिया से उत्पन्न दूषित जल को दूषित जल उपचार संयंत्र से उपचारित कर पुनर्उपयोग किया जाता है। उद्योग परिसर में लगभग 85541 नग वृक्षारोपण किये जाने की जानकारी उपस्थित उद्योग प्रतिनिधि द्वारा दी गई।

S.E. (B)

Sh. Punto
21.05.19
AE (Madhu)

ABR
24/5/19

SE (M)
21/5

2. मेसर्स ए.सी.बी. (इंडिया) लिमिटेड, चाकाबुड़ा कोल वॉशरी, ग्राम— चाकाबुड़ा,
तहसील—कटघोरा, जिला—कोरबा

उद्योग एक वेट टाईप कोल वॉशरी इकाई है। उद्योग की उत्पादन क्षमता वॉशिंग ऑफ राँ कोल ऑन जॉब बेसिस (इन्क्लूडिंग द्वितीय जिग) — 7.5 मिलियन टन/वर्ष है। निरीक्षण दिवस 18/03/2019 को श्री पंकज गवली, प्रबंधक, श्री प्रभात चौधरी, अतिरिक्त महाप्रबंधक, श्री सचेन्द्र शुक्ला, सहायक प्रबंधक (पर्यावरण) तथा श्री ए.के. त्रिवेदी, मुख्य रसायनज्ञ, छत्तीसगढ़ पर्यावरण संरक्षण मंडल उपस्थित थे। उद्योग द्वारा राँ मटेरियल के रूप में कोयला मात्रा लगभग 18,000 से 20,000 टन/दिन का उपयोग किया जाता है। राँ मटेरियल के रूप में प्राप्त कोयले को रिसिविंग हॉपर के माध्यम से कशर, रोटरी ब्रेकर, स्क्रीन, वॉशर की प्रक्रिया उपरांत वाशड कोल प्राप्त किया जाता है। उद्योग द्वारा रिसिविंग हॉपर एवं स्क्रीन्स में वॉटर स्प्रेयिंग सिस्टम, कशर में डस्ट एक्सट्रैक्शन सिस्टम एवं वॉटर स्प्रिंकलर स्थापित किये गये हैं। प्रक्रिया से उत्पन्न दूषित जल के उपचार हेतु क्लोज सर्किट सिस्टम के अन्तर्गत थिकनर, हाई फ्रिक्वेंसी स्क्रीन, बेल्ट प्रेस, सायक्लोन, सेटलिंग टैंक स्थापित है, जिससे उपचारित दूषित जल का पुनर्उपयोग किया जाता है। उद्योग की प्रक्रिया से रिजेक्ट कोल मात्रा लगभग 3,500 से 4,000 टन/दिन उत्पन्न होता है, जिसका उपयोग स्वयं के 30 मेगावॉट पॉवर प्लांट एवं 270 मेगावॉट पॉवर प्लांट में ईंधन के रूप में किया जाता है। उद्योग परिसर में लगभग 10,610 नग वृक्षारोपण किये जाने की जानकारी उपस्थित उद्योग प्रतिनिधि द्वारा दी गई।

निरीक्षण दिवस पायी गयी स्थिति :-

निरीक्षण दिवस उद्योग से लगभग 02 किलोमीटर दूरी पर स्थित कोलर नाला एनीकट एवं सलिहा नाला एवं आस-पास के क्षेत्रों का निरीक्षण भी किया गया। निरीक्षण दौरान ग्राम—पुरेना के श्री भुवन कंवर, निक्कु कंवर एवं श्री राकेश दास उपस्थित थे। सलिहा नाला एवं कोलर नाला में ग्राम—सलिहापारा एवं आसपास के गावों का घरेलु दूषित जल मिलता है। निरीक्षण दौरान उक्त नालों में उद्योग का दूषित जल मिलना नहीं पाया गया। नाले में सिल्ट का जमाव भी नहीं पाया गया। उक्त एनीकट के समीप नाले में कुछ ग्रामीण नहाते हुए पाये गये। उद्योग परिसर के बाहर दूषित जल का निस्सारण होना नहीं पाया गया। शिकायत पत्र में उल्लेखित ह्यूम पाईप को कांकीट से बंद कर दिया गया है। (संलग्नक -1 स्थल)

2)



अधीक्षक अभियंता

छत्तीसगढ़ पर्यावरण संरक्षण मंडल,
अटल नगर, रायपुर (छ.ग.)

प्रति,

दिनांक: 09-10-2019

क्षेत्रीय अधिकारी

छत्तीसगढ़ पर्यावरण संरक्षण मण्डल

क्षेत्रीय कार्यालय, कोरबा

जिला कोरबा (छ.ग.)

विषय: ACB (India) लिमिटेड की 270 MW पावर प्लांट द्वारा लगातार पर्यावरणीय स्वीकृति, कंसेंट टू ऑपरेट, जल प्रदूषण (निवारण एवं नियंत्रण) अधिनियम, 1974 की धारा 24 का उल्लंघन करके बड़ी मात्रा में सलीहा नाला में बहाए गए दूषित जल से हुए स्थानीय लोगों की क्षति पर तत्काल कार्यवाही करने बाबत।

महोदय,

आपको ज्ञात होगा की कोरबा जिले के कटघोरा तहसील में चाकाबुड़ा में ACB (india) लिमिटेड की 270 MW रिजेक्ट कोल आधारित पावर प्लांट स्थित है। पिछले दिनों कोरबा में भारी बारिश के कारण कई क्षेत्रों में बहुत ही समस्याएँ हुई हैं। चाकाबुड़ा क्षेत्र में भी भारी बारिश से बाढ़ जैसी स्थिति उत्पन्न हुई लेकिन बारिश से आई यह बाढ़ तब भयानक हो गई जब उक्त कंपनी द्वारा बड़ी मात्रा में बारिश का फायदा उठाते हुए फ्लाई युक्त दूषित जल को भी नाले में छोड़ दिया गया। इस के कारण लोगों के घरों में फ्लाई ऐश का पानी बाढ़ के साथ घुस गया और लोगों के खेतों में लगी खड़ी फसल को भी बहुत नुकसान हुआ है। लोगो की कृषि भूमि में फ्लाई ऐश की मोटी परत जमा हो गई है। जिस से कृषि भूमि की उर्वरता भी प्रभावित हुई है। (संलग्न 1)

कंपनी द्वारा गैरकानूनी तरीके से उक्त पर्यावरणीय कानूनों का उल्लंघन कर के सलीहा नाला को प्रदूषित करने के संबंध में कुछ महत्वपूर्ण तथ्य इस प्रकार हैं:

1. दिनांक 12/09/2017 को कंसईपाली एवं देवरी के लोगों द्वारा सदस्य सचिव, राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण (SEIAA), रायपुर को प्रेषित शिकायत पत्र जो यह दर्शाता है कि कंपनी को जारी पर्यावरणीय स्वीकृति की शर्तों का उल्लंघन करके किस प्रकार कंपनी खुले आम अवैध रूप से सलीहा नाला में दूषित जल लगातार छोड़ती आई है। इस शिकायत को दिनांक 05-10-2017 को SEIAA के कार्यालय जाकर पुनः प्रत्यक्ष रूप से दिया गया था। (संलग्न 2)



2. अनुविभागीय अधिकारी, जल संसाधन उप संभाग क्र-1. कटघोरा द्वारा किये गए निरीक्षण के दौरान भी फ्लाई ऐश से सलीहा नाले में हो रहे प्रदूषण की पुष्टि की गई थी और कंपनी को दिनांक 19-06-2017 को नोटिस भी जारी की गई थी। (संलग्न 3)
3. उक्त शिकायत पत्रों पर को सम्बंधित अधिकारियों को भेजे जाने के बाद भी इस पर दो महीनों तक कोई कार्यवाही नहीं हुई।
4. इसके पश्चात क्षेत्रीय कार्यालय, छत्तीसगढ़ पर्यावरण संरक्षण मण्डल, कोरबा (छ.ग.) को इस विषय में निरीक्षण का आदेश दिया गया जिसके बाद दिनांक 07-12-2017 को क्षेत्रीय कार्यालय से इस समस्या का निरीक्षण किया गया किन्तु इस निरीक्षण में शिकायत कर्ताओं को शामिल नहीं किया गया और उनका पक्ष नहीं सुना गया और एकतरफा यह रिपोर्ट कंपनी के पक्ष में जारी की गई कि इस तरह की कोई समस्या सलीहा नाला में नहीं है।
5. गलत एवं पक्षपात पूर्ण रिपोर्ट जारी करने के सम्बन्ध में लोगों ने पुनः दिनांक 05-04-2018 को सदस्य सचिव, राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण (SEIAA), रायपुर को पत्र प्रेषित किया किन्तु तब SEIAA भंग हो गई थी और उसके पुनर्गठन का कार्य चल रहा था।
6. इसके बाद उक्त समस्त पत्रों और घटनाओं का विवरण SEIAA के गठन के बाद पुनः दिनांक 11/10/2018 को सदस्य सचिव, SEIAA, रायपुर को भेजा गया। (संलग्न 4)
7. इसके बाद पुनः पत्र भेजे जाने के बाद भी कार्यवाही में देरी की गई और निरीक्षण दिनांक 18/03/2019 को छत्तीसगढ़ पर्यावरण संरक्षण मण्डल के रसायनज्ञ द्वारा किया गया बिना शिकायतकर्ताओं को शामिल किये। इसके बाद रिपोर्ट दी गई कि कंपनी जिस पाइप से लगातार नाले में दूषित जल छोड़ती है उसे बंद कर दिया गया है और सलीहा नाला में किसी भी प्रकार का औद्योगिक दूषित जल नहीं है। इस निरीक्षण में भी वास्तविकता सामने नहीं आई और कुछ समय के लिए पाइप को बंद कर और आस पास थोड़ी सफाई कर कंपनी बचती रही।
8. किन्तु कुछ समय बाद ही इस पाइप लाइन को खोल दिया गया और पुनः इसमें से लगातार दूषित जल बहाया जा रहा है। (संलग्न:5 फोटो)

उक्त तथ्य यह स्पष्ट रूप से दर्शाते हैं कि कंपनी हमेशा से इस नाले को प्रदूषित कर रही है। इस सम्बन्ध में आज दिनांक तक की गई शिकायतों और कार्यवाहियों की प्रति संलग्न है। कंपनी की इस मनमानी और अवैध कार्यकलाप के कारण आज स्थानीय लोगों को इतना नुकसान उठाना पड़ा है। सबसे गौर करने वाली बात यह है कि कंपनी की अवैध गतिविधियों पर जो कार्यवाही होनी चाहिए थी वो असल में हुई ही नहीं हर बार कंपनी के पक्ष में कार्यवाही

हुई जिसका ये नतीजा है। अमरीका के नासा (नेशनल एरोनॉटिक्स एंड स्पेस एडमिनिस्ट्रेशन) द्वारा जारी रिपोर्ट दिनांक 05-09-2019 में छत्तीसगढ़ के कोरबा का नाम शामिल है ख्याति के रूप में नहीं बदमानी के रूप में की यहाँ प्रदुषण की स्थिति अत्यंत गंभीर है।

अतः उक्त समस्त दस्तावेजों और समस्याओं को संज्ञान में लिया जाए और पर्यावरणीय कानूनों के उल्लंघन पर ठोस कदम उठाते हुए कंपनी पर कार्यवाही की जाए।

- जिन लोगों के घरों और जमीनों को क्षति पहुंची है वहाँ से फ्लाई ऐश की पूरी सफाई की जाए और उन्हें मुआवजा प्रदान किया जाए।
- नैसर्गिक न्याय के सिद्धांतों (audi alteram partem) का पालन करते हुए निरीक्षण गतिविधियों में प्रभावित लोगों का पक्ष सुना जाए और उन्हें शामिल किया जाए।
- कंपनी द्वारा पर्यावरणीय कानूनों के लगातार उल्लंघन पर कार्यवाही करते हुए भारी जुर्माना वसूल किया जाए।
- कंपनी से शपथ पत्र लिया जाए की आगे से कंपनी सलीहा नाला या अन्य किसी जल स्रोत में दूषित जल नहीं छोड़ेगी साथ ही दूषित जल उपचार के नियमों का पालन करेगी।
- सलीहा नाले में जमे फ्लाई ऐश की पूरी सफाई की जाए और जिस अवैध पाइपलाइन से नाले में दूषित जल छोड़ा जाता है उसे पूर्णतः बंद कर सील किया जाए।

भवदीय

| | | | | |
|----|---------------|-----------|--------------|--------------|
| 1. | अरुणराम | रक्षिया | 6269577922 | उत्तरा |
| 2. | नन्दकुमार | | 9340645509 | |
| 3. | बबूलभाई | | 6263955703 | उत्तरा |
| 4. | दिनेश्वरदास | | 7999094146 | दिनेश्वरदास |
| 5. | शान्ति बार् | कसईपात्री | | शान्ति |
| 6. | दुर्गा कश्यप | कसईपात्री | | दुर्गा कश्यप |
| 7. | गौरी | कसईपात्री | | गौरी |
| 8. | मकेश उमर | रि. की | 831921 40 11 | |
| 9. | महिला लाल चंद | — | | |

10. पदार्थ वर्णन

— 6 —

Page

11. वर्णन वर्णन

— 15 —

32397



**Regional Office
Chhattisgarh Environment Conservation Board
Near Tehsil Office, Rampur, Korba, Dist.-Korba(C.G.)**

No. 1149 /RO/CECB/2019

Korba, Dated : 16/11/19

To,

**Shri A.K. Malik,
The Vice President,
M/s ACB(India) Pvt. Ltd.,
270+30 + New 30 MW Thermal Power Plant,
Vill.- Chakabuda, Tehsil- Katghora,
Dist.-Korba(C.G.)**

Sub.:- Direction under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 notice thereof.

Ref.:- Inspection of 270 +30+ New 30 MW Thermal power plant on dated 16.10.2019 .

Whereas you are operating & running a coal based thermal power plant capacity of 270 +30+ New 30 MW , Vill- Chackabuda / Kasaipali, Tehsil- Katghora , Dist.-Korba(C.G.).

The inspection was done by CECB Official on dated 16.10.2019 in presence of ACB(India) Pvt. Ltd. Officials.

Whereas your thermal power plant has been inspected by the officials of the Board and the observations have been communicated from time to time.

Whereas your industry has been unable to control water pollution thereby continues violation of the Water (Prevention and Control of Pollution) Act, 1974 .

During the inspection following water pollution facts have been observed:-

o/c

1. It is found that Coal mixed water has directly discharged in Saliha Nallah from Plant premises.
2. It is found that the Saliha Nallah is blackish due to the coal sludge with ash containing water.
3. It is found that the pond is polluted with coal dust and oil due to coal dust and oil mixed water has passes by the plant premises into the pond at Kasaipali Dihpara.

Now therefore in exercise of the powers conferred upon under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 undersign proposes to direct to as follows:-

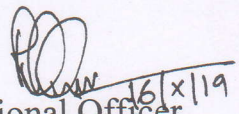
Immediately stop the discharging of coal mixed water through plant premised and keep maintain zero discharge condition.

1. Immediately clean the saliha Nallah and remove the coal dust and ash water from that Nallah.
2. Immediately clean the effected pond at Kasaipali Dihpara.
3. Industry shall follow all the terms & Condition stipulated in consent & Consent Renewal.

You are hereby given an opportunity of 15 days from the date of receipt of these proposed directions, to file objections if any, to the undersigned. In case no satisfied reply is received within the stipulated time period, the direction will be confirmed without any further reference to you.

In case, you fail to comply with the above mentioned directions, you are liable for action inter alia under section 41 of the Water (Prevention and Control of Pollution) Act, 1974 .

For and on behalf of
C.G. Environment Conservation Board


Regional Officer,
C.G. Environment Conservation Board
Korba(C.G.)

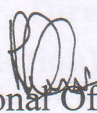
g/c

Endt. No. 1180 /RO/CECB/2019

Korba, Dated : 16/11/2019

Copy to:

1. The Member Secretary, C.G. Environment Conservation Board, New Raipur for favor of information
2. The Collector Korba for favor of information.
3. Senior General Manager 270 MW Thermal Power Plant, and Dy. General Manager, M/s ACB(India) Pvt. Ltd., 30+ New 30 MW Thermal Power Plant, Vill.- Kasaipali, Tehsil- Katghora, Dist.-Korba(C.G.) for your information and taken necessary action please.


Regional Officer,C.G. Environment Conservation Board
Korba(C.G.)

o/c

**Annexure VI:
Site Inspection report of the OSPCB acknowledging the
problems being faced by the local residents**

29
Tel: 06766-259077

E-mail: rospcb.keonjhar@ospboard.org

Website: www.ospboard.org



OFFICE OF THE REGIONAL OFFICER
STATE POLLUTION CONTROL BOARD ODISHA
[DEPARTMENT OF FOREST & ENVIRONMENT GOVERNMENT OF ODISHA]
AT- BANIAPAT, POST- COLLEGE ROAD, DIST-KEONJHAR-758001

No. 482

Date 23.03.2018

From:

Sri P.C. Behera
Regional Officer

To

The Sr.Env.Engineer,L-I(C)
SPC Board, Odisha
Bhubaneswar

Sub: Inspection report of M/s Kamaljeet Singh Ahluwalia Steel and Power Division, At: Barpada, Po: Guali, Dist: Keonjhar.

Sir,

Please find enclosed herewith the inspection report of the aforesaid industry conducted on 20.03.2018 w.r.t renewal of CTO beyond 31.03.2018 for kind information and necessary action.

Yours faithfully,

Encl: As above


23.03.18
REGIONAL OFFICER

SOLID WASTE MANAGEMENT SYSTEM:

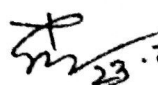
Char, ESP/bag filter dust, accretion cuttings, SMS slag are the major solid waste generated from the Industry. Some quantity of char is used as fuel in the AFBC boiler. Slag generated from Induction furnaces is sold to outside parties for recovery of metals. The Industry has a fly ash brick manufacturing unit for utilizing the ESP dust and bottom ash generated from AFBC. Rest of the wastes is disposed of at the earmarked area of 25.0 Acres outside the factory premises. Boundary wall has been provided around the dump. Part of the old dump has been stabilized by covering soil. Water sprinkling is carried out through mobile water tankers on waste dump approach road. Factory main gate to dump area is about 500 meters and it is concreted.

Compliance to direction issued U/S 31A of Water (PCP) Act, 1974 and U/S 31A of Air (PCP) Act, 1981 and amendments thereunder vide Board's letters No. 1677 dtd.13.02.2018.

| Sl. No. | Issues | Compliance status |
|---------|---|---|
| 1. | DM plant regeneration effluent along with back wash of WTP taken to neutralization pit. Seepage water from neutralization pit found discharged to outside factory premises leading to nearby agricultural land. | The industry has blocked the leakage/seepage points of neutralization pit and no waste water is discharged to outside the boundary wall. |
| 2. | Waste water logging in internal drains at AFBC and ESP areas along the boundary wall. | Waste material deposited in internal drains at AFBC boiler and ESP areas has been evacuated. All internal drains are found to be cleaned. |

Recommendation:

In view of the above, decision on grant of CTO beyond 31.03.2018 for (i) DRI Kiln-III (350 TPD), (ii) 8 MW WHRB (iii) Induction Furnace 2x10 T/Heat, and (iv) Ladle Refining Furnace 1x50 TPD may kindly be taken.


23.03.18
Sri P. C. Behera
Regional Officer

The following observations were made:

Air Pollution:

1. DRI Kiln-I (300 TPD), DRI Kiln-II & III (350 TPD each) along with their respective WHRB and ESP were in normal operation. 2x10 t/heat Induction Furnace was in operation. AFBC boiler, other 2x10 T/heat Induction Furnaces and LRF were not in operation on the day of visit.
2. Individual ESP and stack installed for Kiln-I & III of WHRB boilers for controlling stack emissions, which is let out through stack of 53 m & 45 m heights from ground level respectively. Individual ESP also installed at Kiln-II & AFBC boiler for controlling stack emissions, which is let out through a common stack of 65 m height from GL.
3. PDHS at all ESP hoppers of Kiln-I, II, III & AFBC boiler and Silos have been installed for mechanized handling of the dust collected.
4. No leakage of flue gas was observed through the emergency caps, the slip rings of DRI kilns. No fugitive emissions was also observed at different process bag filter areas. However, minor leakage was observed from kiln discharge point of DRI kiln-III.
5. Coal was found to be stored under covered shades and iron ore & Dolomite was found to be stored open.
6. Water spray nozzles have been provided at ground hoppers of coal & iron ore circuits.
7. The industry has installed bag filters for control of fugitive emission from various process areas of DRI kilns as reported earlier, which have been mentioned in the CTO orders. The unit has not made any further alteration in the bag filters.
8. Most of the internal roads and work zone area inside the premises have been black topped and concreted. Fixed type water sprinklers have been provided along the internal roads and raw materials stockpile area for control of fugitive emission during plying of vehicles.
9. The approach road from NH to factory of about 3-4 Km is concreted.
10. The industry has mobile water tanker of capacities 2x15 KL and 2x5 KL each, which are used for dust suppression in the internal road, approach road and road connected to waste dump area.

INSPECTION REPORT ON ALLEGED PUBLIC COMPLAINTS AGAINST M/S KJS ALHUWALIA (STEEL & POWER DIVISION) At: BARPADA, POST: GUALI, DIST: KEONJHAR.

A public complaint has been received by this office from the villagers of Kolharokala, Barbil, Dist: Keonjhar regarding air pollution caused by the aforesaid industry. The said complaint has also communicated to this office from the Law officer, SPC Board, Bhubaneswar vide letter No. 1753 dtd. 13.02.2019. The complaints are alleged that the unit is dumping waste material with non-available of complete boundary wall around the waste dump and without covering of waste material for which they have suffered from Air pollution due to wind action. They have also alleged that due to discharge of black smoke from the factory towards their village, layer of black dust is observed on daily use materials, food and drinking water. In this connection an investigation was conducted on 08.03.2019 to verify the said allegation. Sri SRS Krishnan, Executive Director of the industry was present during the visit and the following observations were made:

Observations:

Investigation
Report by

1. The waste materials like Char, ESP/bag filter dust, accretion cuttings, SMS slag are the major solid waste generated from the industry. Some quantity of char is used as fuel in the AFBC boiler. Slag generated from Induction furnaces is sold to outside parties for recovery of metals.
2. The industry has a fly ash brick manufacturing unit for utilizing the ESP dust and bottom ash generated from AFBC boiler. Rest of the wastes are disposed of at the earmarked area of 25.0 Acres outside the factory premises. Boundary wall has been provided around the dump.
3. The unit is constructing RCC wall covering more area around the waste dump to prevent spillage of material to outside.
4. Part of the dump was earlier stabilized by covering soil. During the visit it was observed that the unit has also covered the entire dump by soil to prevent fugitive dust emission due to wind action. Water sprinkling is carried out through mobile water tankers on waste dump approach road. Factory main gate to dump area is about 500 meters and it is concreted.

Air Pollution control measures taken by the industry:

1. Individual ESP and stack installed for Kiln-I & III for controlling stack emissions, which is let out through stack of 53 m & 45 m heights from ground level respectively. Individual ESP

**Annexure VII:
Complaint letter sent to the GPCB indicating
problem of fugitive dust pollution**

પ્રતિશ્રી,
રીજીયોનલ ઓફીસર,
ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડ
કંડલા પોર્ટ ટ્રસ્ટ વહીવટી બીલ્ડીંગ,
ગાંધીધામ -૬૨૬૭.

વિષય:- કાર્બન એજ ઇન્ડસ્ટ્રીઝ લીમીટેડ છસરા તાલુકો મુન્દ્રા દ્વારા એન્વાયરમેન્ટ ક્લીયરન્સ તેમજ કન્સેન્ટ ટુ ઓપરેટ અને કોલ હેન્ડલીંગ ગાઈડલાઈન , એન્વાયરમેન્ટ મેનેજમેન્ટ પ્લાન વાયોલેશન બાબત....

સવિનય ઉપરોક્ત વિષય અનુસંધાને જણાવવાનું કે કાર્બન એજ ઇન્ડસ્ટ્રીઝ લીમીટેડ છસરા તાલુકો મુન્દ્રા દ્વારા ગુજરાત પ્રદુષણ નીયંત્રણ બોર્ડ ગાંધીનગર દ્વારા આપવામાં આવેલ એન્વાયરમેન્ટ ક્લીયરન્સ તેમજ એર એક્ટ ૧૯૮૧ અને વોટર એક્ટ ૧૯૭૪ તહેત આપવામાં આવેલ કન્સેન્ટ ટુ ઓપરેટની તેમજ કંપની દ્વારા પર્યાવરણ સહમતી સમયે સબમીટ કરવામાં આવેલ એન્વાયરમેન્ટ મેનેજમેન્ટ પ્લાન અને ગુજરાત સરકાર દ્વારા બનાવવામાં આવેલ કોલ હેન્ડલીંગ ગાઈડલાઈન ના વાયોલેશન ના કારણે વવાર ગામની ખેતી અને પશુપાલન તેમજ ચરીયાણ વિસ્તાર પર અસરો રહી છે તેમજ કોલ ડસ્ટ ના કારણે લોકોના સ્વસ્થ પર અસર થઈ રહી છે તેમજ કંપની દ્વારા આઈ.પી.સી રદ્ટ અંતરગત ન્યુસન્સ ફેલાવી રહી છે તેમજ ઉપરોક્ત બાબતોના વાયોલેશન નીચે પ્રમાણે કરવામાં આવી રહ્યા છે.

૧) એન્વાયરમેન્ટ ક્લીયરન્સ ની કંન્ડીશન નં એ. ૧ ના મુદ્દાનં ૨ પ્રમાણે તેમજ કન્સેન્ટ ટુ ઓપરેટની શરત નં ૨ ના મુદ્દાનં ૨ પ્રમાણે આ વિસ્તાર ડાર્ક ઝોન માં આવતો હોવાથી ગ્રાઉન્ડ વોટર લેવાની સખ્ત મનાઈ હોવા છતાં કંપની દ્વારા ગ્રાઉન્ડ વોટર ઉલેવવામાં આવે છે જેના કારણે આસપાસના વિસ્તારના ગ્રાઉન્ડ વોટર પર ખુબજ મોટી અસરો થઈ છે જેથી ખેતી તેમજ પીવાના પાણી પીવા લાયક રહેલ નથી અને આસપાસના ગ્રાઉન્ડ વોટરના તળ નીચે જઈ રહ્યા છે

૨) એન્વાયરમેન્ટ ક્લીયરન્સ ની કંન્ડીશન નં એ.૨ ના મુદ્દાનં એ,બી, ડી, એચ, આઈ, જે , કે. તેમજ કન્સેન્ટ ટુ ઓપરેટની શરત નં ૨ના મુદ્દા નં ૩ પ્રમાણે કોલ હેન્ડલીંગ ગાઈડલાઈન ના કલોઝનં (૧,૪,૬,૮,૧૦,૧૧,૧૪,૧૮,૨૪) ના વાયોલેશન ના કારણે આસ પાસના તળાવ અને જીલ્લા માર્ગ તેમજ બાઉન્ડી વોલ ની ઉચાઈ કોલ હેન્ડલીંગ ગાઈડલાઈન પ્રમાણે ન હોવાના કારણે આસ પાસની ખેતી તેમજ ચરીયાણ વિસ્તાર ઉપર કોલસાની ડસ્ટ આવી અને પડે છે જેને લીધે ખેતીની પાક ઉત્પાદકતા અને ચરીયાણ જમીન ઉપર ડસ્ટ પડેલ છે જેથી પશુઓ આ ગૌચરની જમીન ઉપર ચરીયાણ થતુ નથી અને ડસ્ટના કારણે લોકોના આરોગ્ય ઉપર અસરો થઈ રહી છે અને આઈ.પી.સી કલમ રદ્ટ પ્રમાણે ન્યુસન્સ ફેલાવે છે જેના કારણે ડસ્ટ ગામ તેમજ આસપાસની વાડીઓમાં રહેતા ખેડુતો રહી શકતા નથી અને શ્વાસ લેવામાં તકલીફ ઉભી થાય છે જેથી આપ સાહેબને નમ્ર વિનંતી કે આ કંપની દ્વારા ઉપરોક્ત એન્વાયરમેન્ટ ક્લીયરન્સ અને કન્સેન્ટ ટુ ઓપરેટની શરતોનુ વાયોલેશન કરતુ હોવાથી લોકોને આજીવિકા અને સ્વાસ્થ પર અસરો થઈ રહેલી હોઈ એન્વાયરમેન્ટ ક્લીયરન્સની શરત નં ૪૩ પ્રમાણે ઉધોગને બંધકરવાનો પાવર હોઈ ઉધોગને બંધ કરવા વિનંતી.

Received
Gujarat Pollution Control Board
Regional Office
Kutch (East)

20-1-18

૩) કાર્બન એજ ઇન્ડસ્ટીઝ લીમીટેડ ના એન્વાયરમેન્ટ મેનેજમેન્ટ પ્લાન પેજ નં ૬૧, ૬૨, ૬૪, ૬૫ માં જણાવવામાં આવેલ છે કે પ્લાન્ટની ૨૫% જમીન વિસ્તારમાં વૃક્ષારોપણ કરવાનું જણાવેલ છે તેમજ કન્સેન્ટ ટુ ઓપરેટના મુદ્દા નં ૨ ની શરત નં ૩ માં જણાવેલ છે કે કોલહેન્ડલીંગ ગાઈડલાઈન નું સ્ટ્રીક્લી કમ્પલાય કરવું જેમાં કોલ હેન્ડલીંગ ગાઈડ લાઈન ના કલોઝનં ૧૮ માં પણ જણાવેલ છે કે કોલસાનું હેન્ડલીંગ કરતા યુનીટો એ ગ્રાણ હળોરમાં વૃક્ષોનું પ્લાન્ટેશન કરવું તેમજ એન્વાયરમેન્ટ કલીયરન્સની કંડીશન નં એ-૭ ના મુદ્દાનં ૨૫, ૨૬, ૨૭ માં પણ ગ્રીન બેલ્ટ બનાવવો પરંતુ કંપની દ્વારા કોઈ પણ પ્રકારની ગ્રીન બેલ્ટની કામગીરી કરવામાં આવી નથી જેથી કરી આસપાસના વિસ્તારમાં કોલ ડસ્ટનું પ્રમાણ ખુબજ મોટા પ્રમાણ માં થાય છે અને ખેતીને અસર થાય છે.

૪) એન્વાયરમેન્ટ મેનેજમેન્ટ પ્લાન ના પેજ નં ૬૮ માં જણાવવામાં આવેલ છે કે પ્રદુષણ નીયંત્રણ અંગેના ચોક્કસ સાધનો લગાવવામાં આવશે પરંતુ કંપની દ્વારા આ સાધનો ન લગાવવાથી આસપાસ ના વિસ્તારમાં હવા પ્રદુષણ નું પ્રમાણ વધવા લાગ્યું છે અને ખેતી ઉપર આની વીપરીત અસરો થઈ રહી છે.

૫) કન્સેન્ટ ટુ ઓપરેટના કલોઝ નં ૬.૧૧ માં જણાવેલ છે કે કંપની ગેટની આગળ ઓનલાઈન મોનીટરીંગ સીસ્ટમ લગાવવી પરંતુ તે સીસ્ટમ ૨૦૧૩ ના કલીયરન્સ પછી આજદીન લગાવેલ નથી

આથી આપ સાહેબને અમારી નમ્ર વિનંતી કે કન્સેન્ટ ટુ ઓપરેટ, કોલહેન્ડલીંગ ગાઈડલાઈન, એન્વાયરમેન્ટ કલીયરન્સ અને એન્વાયરમેન્ટ મેનેજમેન્ટ પ્લાન કલીયરન્સ સમયે રજુ કરેલ તેનું પાલન થતું નથી અને એન્વાયરમેન્ટ કલીયરન્સ ની શરત નં ૪૩ પ્રમાણે આપની પાસે પાવર છે કે આ યુનીટને તાત્કાલીન બંધ કરવામાં આવે અને આસપાસના વિસ્તારમાં જે કોલ ડસ્ટ પથરાયેલ છે તે હટાવવામાં આવે અને આસપાસના ખેડુતોની જમીન ને જે નુકશાન થયેલ છે તેનું વળતર આપવામાં આવે તેવી મારી નમ્ર વિનંતી છે

આપના વિભાગની મુલાકાત દરમિયાન અમને લોકોને જાણ કરવા આપ સાહેબશ્રીને વિનંતી જેથી કરી અમારી ઉપર પડી રહેલા પ્રભાવને લઈ આપને બતાવી શકીએ

બીડાણ

૧) કન્સેન્ટ ટુ ઓપરેટની નકલ

૨) એન્વાયરમેન્ટ કલીયરન્સની નકલ

૩) કંપની ની સ્થાપના સમયે રજુ કરેલ એન્વાયરમેન્ટ મેનેજમેન્ટ પ્લાન જે લીગલ ડોક્યુમેન્ટ ગણવું

૪) કોલ હેન્ડલીંગ ગાઈડલાઈન ની નકલ

નકલ રવાના

૧) મેમ્બર સેરેટરી, ગુજરાત પ્રદુષણ નીયંત્રણ બોર્ડ, ગાંધીનગર

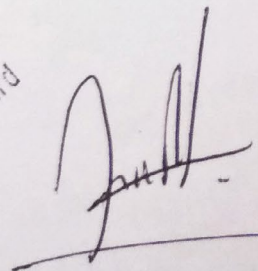
હરી સુમાર બારોટ

મુ.પો વવાર,

તા. મુન્દ્રા- ૬૪૭

મો. ૯૯૭૮૮૬૭૩૮૮

Received
Gujarat Pollution Control Board
Regional Office
Kutch (East)



20-07-2017

**Annexure VIII:
Orders given by the GPCB to set up
protective equipment**



GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN

Sector-10-A, Gandhinagar 382 010

Phone : (079) 23222425

(079) 23232152

Fax : (079) 23232156

Website : www.gpcb.gov.in

BY R.P.A.D.

NOTICE UNDER SECTION 31-A OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT - 1981 (HERE AFTER REFERRED TO AS THE AIR ACT) AS AMENDED FROM TIME TO TIME.

WHEREAS you are having industrial plant at survey No.170, Plot No. 1 to 7, Village: Chasra, Taluka: Mundra, DIST.: KUTCH- 370110.

AND WHEREAS the Gujarat Pollution Control Board has granted CC&A vide order No AWH- 16696 valid up to 1/7/2019 to manufacture items / products mentioned in Consent Order subject to the conditions mentioned therein.

AND WHEREAS, your industrial Plant was monitored by the Board official on 29/05/19 under Section-24 of the Air Act-1981 with reference to complain during inspection plant was not in operation & following non-compliance was observed: -

1. Major Portion of provided boundary wall is broken towards talav & labour colony side.
2. Construction activity for repairing of boundary wall at labour colony is going on.
3. Black dust deposition is observed in talav. Black particles are observed on flora located in talav.

AND WHEREAS for above mentioned points written instruction given at site. and submitted details does not mention as how long boundary wall is broken and how much work have been completed, hence non compliance observed.

Now, therefore I Smt. U.K. Upadhyay, Environmental Engineer, Gujarat Pollution Control Board propose to issue Notice under section (31) (A) of the Air (Prevention and Control of Pollution) Act-1981 as under:

1. To direct the concerned authorities to stop supply of electricity and water till that time.
2. Submit details of completing the work of construction of entire boundary wall with relevant photographs.

You are hereby directed to reply of above mentioned points within 15 days from date of issue of this notice, failing which direction as proposed above will be deemed to be passed without further reference to you.

For and on behalf of
GUJARAT POLLUTION CONTROL BOARD

(Smt. U.K. Upadhyay)
Environmental Engineer

NO: PC/CCA-KUTCH-466/3/GPCB ID--18004

Date:

Clean Gujarat Green Gujarat

ISO-9001-2008 & ISO-14001 - 2004 Certified Organisation

Outward No: 51724/29/06/2019



DHARMA MARG, CHANAKYAPURI,
NEW DELHI 110021

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